

SALISBURY

UNIVERSITY



STUDENT CODE OF CONDUCT, POLICIES AND PROCEDURES 2014-2015

Revised January 2015

Salisbury
UNIVERSITY

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requires of all its students full cooperation in developing and maintaining a campus community in which a core set of values including integrity, social justice, respect, community, and responsibility, are upheld. A commitment to these values requires each member of the Salisbury University community to refrain from behavior that compromises or in anyway interferes with the educational mission of the institution, equal access to education or employment of those at the institution, and/or the health, safety, or welfare of any institution community member or a member of the greater Salisbury community and beyond. Moreover, each member of the University community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. 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.

PUBLICATION INFORMATION

The information contained within this publication applies to the academic year 2014-2015 and is accurate and current, to the extent possible, as of August 22, 2014. 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 academic year 2014-2015, the University is undergoing a comprehensive Code review and Code changes during the academic year are very possible.

For the most updated version of Salisbury University's Code of Conduct, please refer to the University's website, www.salisbury.edu/studentconduct/code.html.

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. A community exists on the basis of shared values and principles. At Salisbury University, the achievement of the University's educational goals is a responsibility that must be shared by all. Therefore, Salisbury University expects and

STUDENT CODE OF CONDUCT

The purpose of the Code of Conduct is to set forth University required standards of behavior that promote safety and welfare of the Salisbury University community. When violations of behavioral expectations occur, the following policies and procedures have been developed to protect the interests of the members of the University community, both individually and collectively.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same procedures afforded by the courts. No student will be found in violation of a University policy without notice and an opportunity to be heard regarding the charge against them, and no student will be found in violation of the Code absent a finding that it is more likely than not that a policy violation occurred. Sanctions will be proportionate to the severity of the violation and considering the cumulative conduct history of the student.

Salisbury University reserves the right to make changes to this Code, as necessary at any time. Once those changes are posted online, they are in effect. Students are encouraged to check online at www.salisbury.edu.

APPLICABILITY OF THE CODE

Salisbury University's Code of Conduct applies to all currently enrolled students, as well as all student groups and organizations, including, but not limited to, athletic teams, Greek organizations and clubs. 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. Student hosts also are responsible for their guests and therefore should inform them of University policies. Student hosts may be held responsible for their guests' actions. All individuals to whom the Code applies are responsible for knowing University policies. Ignorance of policy will not be considered a viable defense or excuse in the student conduct process.

The Code of Conduct policies and procedures set forth herein have particular relevance for students. This is not an exhaustive overview either of University policies and procedures applicable to students, nor is it an exhaustive summary of applicable local, state and federal law.

Students who withdraw or seek to withdraw from the University with a pending complaint, pending report of misconduct, an ongoing investigation or pending charges may still be adjudicated through an appropriate University Code of Conduct process. If a Code violation is found and sanctions (short of permanent dismissal) are issued, a student must complete the appropriate sanctions in order to be eligible to change or petition to change their status.

The Dean of Students or designee has the discretion to amend or modify Code of Conduct policies and procedures at any time or as required by law and/or where particular circumstances arise that necessitate a change.

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 could affect a substantial University interest including, but not limited to, the educational mission of the institution, equal access to education or employment of those at the Institution and/or the health, safety or welfare of any institution community member, or beyond the Salisbury community. A substantial University interest could be affected if, for example, the conduct could endanger the health, safety or welfare of the student, any other individual (and/or the community at large), any student organization or athletic team; could endanger any University or non-University public or private property; or if the conduct could adversely affect the University's integrity, interests or educational mission. Salisbury University may impose sanctions against a student, student organization, athletic team or any other individual or group subject to the Code of Conduct for the violation of any Code of Conduct or other University policies that occurs on or off campus.

The Code of Conduct may be applied to behavior conducted in person or online, via email or other electronic medium. Students should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations. While the University does not regularly search for this information, it may take action as necessary when such information is brought to the attention of University officials. For example, a true threat or serious expression to inflict violence or bodily harm upon specific individuals; or speech posted online about the University or its community members that materially and substantially disrupts or interferes with the University operations, equal access to educational or employment of those at the Institution and the general public may not be protected.

STANDARDS OF CONDUCT

The University considers the following behaviors to be inappropriate for the community and in opposition to the institution mission, the Salisbury Promise and institutional core values. The Standards of Conduct are listed in alphabetical order. In reviewing of any violation, factors considered include, but are not limited to, the nature of the violation and specific facts of the incident; severity of the damage, harm or injury; aggravating circumstances, which may include bias-moti-

vation; and other circumstances that may have impacted the incident. Violation of any University policy will be handled in accordance with the appropriate Code of Conduct and/or other University policies and procedures.

Except any appropriate protection afforded under the University's Medical Amnesty Policy, intoxication and/or the use and/or abuse of alcohol and/or drugs will not be considered a mitigating circumstance for any violation of the Code of Student Conduct. Rather, individuals may be additionally charged with the appropriate alcohol or drug violation in addition to other conduct. Under certain circumstances, the University, under the University's Medical Amnesty Policy, may lessen the penalty for alcohol and drug charges. Repeated violations, multiple violations or the severity of the misconduct may heighten the University's response. Such heightened response could include but is not limited to suspension or permanent dismissal from the University and/or cancellation of the Residence Hall Housing/Residence Life Contract.

1. Abuse of Others

Including but not limited to:

- a. Verbal, written, graphic, or electronic abuse.
- b. Harassment including coercion or intimidation of anyone (individual and/or group), either directly and/or indirectly, or on the basis of race, color, religion, religious creed, genetics, sex, sexual orientation, age, national origin, disability or veteran status.
- c. Bullying, defined as the repeated use of written, verbal or electronic expression and/or communication and/or verbal, electronic or physical act or gesture or any combination thereof, directed at an individual/group that (i) causes physical harm and/ or damage to personal property; and/or (ii) places the individual in reasonable fear of harm to him/herself or damage to his/her property; or (iii) creates a hostile, threatening, intimidating, humiliating or abusive environment for an individual or substantially interferes with his/her educational performance, opportunities or benefits. Bullying may include, but is not limited to, social exclusion or isolation, humiliation or degradation, threats, intimidation, harassment, stalking, theft and/or damage/destruction of property, or the perpetuation of any of the conduct listed in this section by inciting, soliciting or coercing others to demean, embarrass, humiliate, or cause emotional, psychological or physical harm.

2. Academic Disciplinary Violation

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 are also accountable to 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 Assistant Vice President of Academic Affairs, but may be referred to the Academic Policy appeals board.

3. 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 some conduct defined as unacceptable use prohibited by this policy. In addition, other University policies on acceptable use may apply.

- a. Knowingly using IT resources for illegal activity including, but not limited to:
 - i. Sexual Misconduct
 - ii. Discrimination on the basis of a federally protected characteristic or right including, but not limited to, race, color, religion, religious need, genetics, sex, sexual orientation, age, national origin, disability or veteran status.
 - 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.
 - v. Obscenity
 - vi. Child pornography

- vii. Threats or harassment by means of email, 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, email 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 transmitting 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 email to unauthorized recipients
- n. Sending or posting unsolicited and/or inappropriate mass email messages without proper authorization; examples of unacceptable use include "spam" junk email, chain letters, pyra-

- mid schemes or other commercial advertising
- o. Unauthorized use, deliberate disguising of the sender or forging of email header information, including alteration of the content of an email message originating from another sender with intent to deceive.
- p. In anyway violating any federal or state law or regulation and/or Salisbury University IT policy or any other applicable policy.

4. Aiding and Abetting

Helping, or cooperating in an act or action that violates the Code of Conduct. A student may be held responsible as though he or she was a direct participant in the violation, even if information indicates he or she was not directly involved in the perpetration of the violation.

5. Alcohol

In Maryland, individuals must be 21 years of age to consume or possess alcohol. When a student engages in behavior, whether on or off campus, that violates University regulations concerning alcohol and/or drug use and that violation results in behavior, which, in the University's sole judgment, is destructive, abusive or detrimental to the University's interests, the University's conduct process shall apply and such matters will be processed accordingly.

- a. No person who is less than 21 years of age may purchase, possess or consume any type of alcoholic beverage.
- b. Excessive consumption of alcohol is prohibited regardless of age.
- c. No person may possess an open container of alcohol in a public area.
- d. No person may provide alcohol to any person who is less than 21 years of age.
- e. No person may illegally distribute, sell or manufacture alcohol.
- f. 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.
- g. No person who appears to be intoxicated or is intoxicated may be sold or served alcoholic beverages.
- h. No person may operate a vehicle, bicycle, scooter, skateboard, etc. under the influence of alcohol.

Intoxication for any individual may include, but is not limited to, impaired motor-skill coordination, difficulty communicating, vomiting, glazed/red eyes, the smell of alcohol on one's breath, verbal and/or physical aggressiveness, destructive and/or disruptive behavior, and engaging in any behavior that may endanger oneself or others.

Parents/legal guardians may be notified when a student is found responsible for an alcohol and/or drug violation under this policy.

6. 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.

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.

7. Dangerous Weapons, Fireworks and Explosives

Weapons, firearms, fireworks, explosives or any item that could threaten the potential safety of the University community are prohibited on campus. Gasoline (other than that used legally in motor vehicles) and all other combustible liquids also are 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, pellet, paint, bb guns, or any other resemblance of guns is prohibited.

The University reserves the right to confiscate weapons, knives, fireworks and any instruments, toys or other things that 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 and for criminal action. Any student found in possession of the aforementioned items is subject to immediate removal from the University.

8. 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 anyone's personal property, 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, national origin or veteran status.

9. Disruptive Behavior

No student shall commit any act that amounts to disruptive behavior, or knowingly participates with others in conduct that amounts to disruptive behavior.

Disruptive behavior includes, but is not limited to, any action that impedes, obstructs or interferes with the educational intent of the University and is 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 or any other local, state or federally protected right.
- 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.
- 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 that cause or have the potential for causing damage to the University or anyone's 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, regulations, ordinances or the like.

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.

10. Drugs

The University prohibits the possession, use, consumption, manufacture, sale or distribution of drugs and/or drug paraphernalia.

Definitions

The term “drugs” broadly includes, without limitation, any stimulant, intoxicant (other than alcohol), nervous system depressant, 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 drugs or household product misuses).

The term “drug paraphernalia” includes any definition found in state and/or federal law, but 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 and/or rolling papers (when used for the purpose of drug use), strainers, grinders, scales, any devices used to ingest drugs including bongs or pipes.

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

- a. 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
- b. The possession, use, manufacture, distribution, and/or sale of drug paraphernalia or other items used in preparing or consuming illegal drugs
- c. The delivery, transfer or intent to deliver, transfer or manufacture any drug or drug paraphernalia
- d. The sale, delivery or transfer of a prescription or prescription drug to another. This includes

the sharing of drugs, cultivation of drugs and any other form of distribution or intention of distribution

- e. A violation of any applicable local, state or federal law relating to drugs or drug paraphernalia

An individual may be determined to be under the influence by the identification of symptoms including, but not limited to, impaired motor-skill coordination, difficulty communicating, vomiting, glazed/red eyes, verbal and/or physical aggressiveness, destructive and/or disruptive behavior, and engaging in any behavior that may endanger oneself or others.

Parents/legal guardians may be notified when a student is found responsible for an alcohol and/or drug violation under this policy.

11. Event-Related Misconduct

This policy is in response to Board of Regents Policy V-8.0 on Event-Related Student Misconduct, as amended February 10, 2006.

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.

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. 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, or equal access to education or employment of those at the University, the Vice President of Student Affairs may impose an immediate sanction of temporary 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.

12. Event Registration

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. Please refer to the Office of Student Activities website for the most updated Event Registration Policy and/or documents: www.salisbury.edu/saol

13. Failure to Comply

Failure to comply with or violation of the terms of an imposed disciplinary sanction is not tolerated. In addition, failure to follow the reasonable directions of University officials (including Salisbury University Police and faculty and staff), law enforcement agent, or officials at other colleges and universities that are necessary for the proper conduct of the University and University community.

14. 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, criminal matter and/or academic policies of the University, or misrepresent themselves or others. Other actions that may occur on or off campus or behaviors noted as a violation of this provision include:

- possession of or use of a false ID or ID that is not your own
- 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

15. Fire and/or Safety Equipment

Breaching campus fire safety or security through:

- a. Setting a fire (including charring, burning, lighting of papers, light of candles or smoking materials, or any other act that could cause a fire), making a bomb threat, causing or creating a false alarm, or other such intentional or reckless conduct that causes harm or reasonable fear of harm to persons or property.
- b. Misusing, tampering, or damaging safety equipment (including cameras and blue lights) or fire safety equipment (including alarm systems, alarmed fire safety doors, smoke detectors or fire extinguishers)
- c. Failure to vacate University buildings during or after an alarm.
- d. Possessing prohibited materials in the residence halls (e.g. halogen lamps, candles, etc.)
- e. Entering or re-entering a building during a fire alarm.

16. Guests

All guests are expected to abide by University regulations. Students are responsible for the behavior of their guests and may therefore receive sanctions from warning to dismissal for violations committed by their guests. The student's responsibility also includes restitution for damage to University facilities or other restitution that is necessary. The University may also restrict student guests from campus grounds or University activities, particularly when guests' conduct is deemed to be a threat to the health, safety, or welfare of Salisbury University students or others, or would endanger any one's property including, but not limited to, University property.

17. 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 member-

ship into any student organizations, including sports clubs, athletic teams, fraternities or sororities that operate under the sanction of Salisbury University. Hazing is also defined in accordance with any local, state or federal law or University System of Maryland or Salisbury University policy.

Such activities and situations may include, but are not limited to:

- a. 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.
- b. Any activity requiring the consumption of food, alcohol, liquid, drugs or other substances.
- c. 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.
- d. 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.
- e. Any type of physical or mental brutality including, but not limited to, 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.

Failing to either intervene, prevent, discourage and/or report those acts may also violate this policy.

18. Housing/Residence Life Violations

Students residing in Salisbury University residential 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.

19. Sexual Misconduct, Discrimination and Harassment

For policies, refer to the section "Fair Practices

Policies." For procedures refer to the section on "Discrimination and Sexual Misconduct Grievance Procedures for Complaints Against Students." All cases of any type of sexual misconduct will be investigated by the Office of Institutional Equity. Separate procedures for adjudication as noted in the section on "Sexual Misconduct" will be followed when any violations are charged to a student that includes a charge of sexual misconduct. For other types of discrimination other than sexual misconduct and other sex and gender-based discrimination, see the Policy Prohibiting Sexual And Other Discriminatory Harassment. For more information, visit www.salisbury.edu/equity.

20. Smoking

(Effective August 22, 2010)

Smoking of any product is prohibited on the campus of Salisbury University (www.salisbury.edu/smokefree). This prohibition on smoking includes all SU buildings (whether leased or owned), 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.

"Smoking" is defined as the burning of tobacco or any other substance including, but not limited, to marijuana in any type of smoking equipment, cigarettes, e-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.

21. 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 call
- 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.

22. 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 of any individual. Theft includes any legal definition in applicable local, state or federal law. Students committing acts of theft are subject to disciplinary action from the University and/or loss of campus employment if appropriate.

23. Threats or Acts of Violence

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 suspension from the University for no less than one calendar year and may also be considered for permanent dismissal.

Students who participate as a bystander may in some circumstances also be subject to disciplinary action.

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

24. Traffic Rules and Regulations

Students, faculty and staff and others are required to abide by all traffic rules and regulations set forth by the University (e.g., motor vehicle registration, parking permits, parking garage use and regulations regarding bicycles, skates, skateboards and scooter use). The Parking Services website contains details regarding Traffic Rules and Regulations: www.salisbury.edu/parking/rules.html

25. Unauthorized Access

Unauthorized access or entry to, into, or onto any physical property owned or operated by the University or any private or restricted property including, but not limited to, unauthorized access into University computers, computer systems or other computers, and buildings, construction sites, vehicles and athletic fields.

26. 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 limited 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.

The University has the right to initiate its own disciplinary proceedings without waiting for court action or the conclusion of any investigation thereof.

ADMINISTRATION OF UNIVERSITY CODE OF CONDUCT

I. BASIC POLICY

The disciplinary process at Salisbury University exists to provide a living and learning environment that reflects the values of the institution in compliance with local, state and federal law. 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 similarities to the legal system established in the broader community, it is essentially educative and administrative in nature and is not governed by the same procedures found in criminal or civil proceedings.

Student Involvement

Students are asked to assume positions of responsibility in the University Conduct process in order that they may contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters, however is vested in the University administration and in the Board of Regents.

II. 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, the Provost or designee and/or the Title IX Officer in the Office of Institutional

Equity 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. Interpreting University disciplinary system policies and procedures
2. Ruling on questions of University disciplinary system policies and procedures and appeals
3. Maintaining accurate records of all student conduct cases
4. Recruiting, selecting and training all conduct board members
5. Attending (or designee) board hearing in an advising and non-voting capacity
6. Ensuring the University conduct process is followed
7. Determining the disposition of certain cases for hearing
8. Conducting administrative hearings in certain cases
9. 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. Counsel to the University

Any counsel to the University ("Legal Counsel") may attend SU disciplinary hearings that involve serious allegations, complex procedural issues and/or that may result in the suspension or dismissal of a student. The role of the Legal Counsel is to ensure that due process requirements are met, and to provide counsel concerning legal questions which arise during the SU conduct process.

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 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 and/or designees.

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 student (to include graduate or professional students) and at least one Administrator at all times. These individuals will be appointed by the Dean of Students or designee. Board decisions will be made by majority vote.

III. STRUCTURE AND PROCEEDING OF RESOLUTION OF COMPLAINTS OF MISCONDUCT

A. Registering Complaints of Misconduct

1. Any person (this includes, but is not limited to, other students, faculty, staff, University or local police, community members) wishing to initiate a complaint regarding any Salisbury University student may do so by submitting the following information if available, in writing, to the Dean of Students Office (or appropriate campus office):

- a. Name(s) of the student alleged to have violated the Code of Student Conduct
- b. Description of the incident
- c. Names and contact information of witnesses
- d. Names and contact information of those filing the complaint.

The Dean of Students or other appropriate University official 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. If the charges involve possible sexual misconduct, discrimination or other issues involving alleged sexual misconduct and/or harassment or discrimination that may violate any SU, USM, State of Maryland or any applicable discrimination and/or sexual misconduct, policy, law, hereinafter

“Discrimination/Sexual Misconduct,” the matter can be filed with the Office of Institutional Equity and will be referred to the SU Office of Institutional Equity for investigation. This referral does not prohibit the Dean or designee from instituting interim measures (i.e., interim suspension, no contact orders, etc.).

2. Complaints or reports of misconduct can be filed with a member of the University Police, Office of Institutional Equity, Residence Life, 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.
3. Complaints should be submitted as soon as possible after the alleged violation of University regulations, except in instances of alleged Discrimination/Sexual Misconduct. If an alleged violation is not reported within four months of the time it becomes known by the complainant, it may be considered untimely unless the appropriate Student Affairs administrator concludes that there has been good cause for the delay and that it is still feasible to hold a fair hearing.
4. Students may be accountable to both civil and criminal authorities and to the University for acts which constitute violations of law and of the University’s Code of Conduct. Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced or not yet gone to trial.
5. Any student charged with a complaint arising from an incident while they actively met the definition of a Salisbury student generally will be required to complete the adjudication of the violation before any transcripts or records from the University can be released. In addition, if charges could have been filed against a student and, upon investigation, a student could have been charged prior to the student withdrawing, charges can, within a reasonable time period, still be brought against the student for pre-withdrawal conduct.
6. A preponderance of evidence, or “more likely than not” standard, will be used in resolutions of complaints of misconduct. A preponderance of evidence does not require information that is beyond a reasonable doubt. Rather it is defined as that degree of proof that will produce a finding that the alleged misconduct “more likely than not” occurred.

7. If a student fails to appear at a hearing after being properly notified (see Address of Record), the case administrator may go forward with a review of the incident based on all other information available and dismiss the complaint if unfounded, place a hold on a charged student's records (which prevents a student from registering or engaging in other transactions with the University) or prepare written charges pursuant to Section C, 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.
8. **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 VII.

B. Reviewing a Complaint

Upon receiving a complaint or report of misconduct, the Dean of Students or designee reviews the complaint to determine if there is a possibility that a violation of the Code of Student Conduct or other SU's policies may have occurred. If it involves Discrimination/Sexual Misconduct issues protected by Title IX of the Civil Rights Act, the matter will be referred to the Office of Institutional Equity. If it appears there may be Discrimination/Sexual Misconduct, the Office of Institutional Equity will start an investigation. Once a case is assigned and necessary documentation is received, the staff member will make arrangements for the resolution of the complaint (either an administrative hearing or board hearing). The student will receive notification via email or other appropriate mechanism, identifying the incident, charge(s), complainant and meeting time to discuss the resolution of the case. Please note that University email is the primary communication for the University and students are expected to monitor their University email.

C. Adjudication Options

Upon receiving a complaint or report of misconduct, not involving allegations of sexual mis-

conduct, discrimination or discriminatory harassment the Dean of Students or designee (i.e., a case administrator) will review the report or complaint, 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 email) of the following information:

- a. Date, time, and location of alleged incident
- b. Summary of reported incident
- c. Summary of the charges as a result of the alleged conduct

A scheduled date, time and location for an informal conference can be included if for Discrimination/Sexual Misconduct matters. At an informal conference, the student will be advised of the conduct process, and options for resolution. Depending on the charges, the case will also be assigned for resolution through an administrative or a community board hearing.

As part of the informal conference, if the report of misconduct is not disputed by the student or student organization, and the student has been assigned to an administrative hearing, then 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.

► i. Administrative Hearing

A student will meet individually with an administrative hearing officer designated by the Dean of Students. An administrative hearing could be first an informal conversation between the charged student and administrative hearing officer, with the goal of identifying all information readily available in regards to the incident in question. Third parties, including, but not limited to, witnesses, lawyers, parents, guardians and advisors are not permitted to attend an Administrative Hearing. However, the student can provide written witness statements either before or within 24 hours after the administrative hearing. The charged student or student organization reviews 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. The student may request that the Administrative Hearing be suspended for a brief, and agreed upon amount of time, after the presentation of the information should he or she desire to reevaluate his or her responsibility for the charges. Based on all infor-

mation provided the Administrator will make a decision, using a “more likely than not” standard of proof. If the student is found responsible, the Hearing Administrator renders a sanction.

► ii. Community Board Hearing

A community board hearing is a formal hearing proceeding usually before a panel consisting of three or five members. Voting members of the board will include students, and faculty or staff. A non-voting procedural advisor who is a University Administrator, is also present during the hearing. Their role is to ensure that proper procedures are followed, and to assist with any points of clarification that may arise during the course of the hearing. During a Community Board Hearing, the charged 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 verbally to the charges as accepting responsibility or contesting responsibility for the charges.

Accept Responsibility. If the student or student organization accepts responsibility, the Board will then move to a phase of determining sanction. The student or organization may submit for the Board’s review, in writing, or verbally, their recommendations for sanctioning. The Board may ask questions for clarification and discuss alternatives. The Board will then end the hearing and go into closed session to determine a final sanction recommendation.

Contest Responsibility. If the student or student organization contests responsibility, the Board will then continue with the formal hearing. Presentation of information during a formal hearing will typically occur but is not required.

D. Procedures for Administrative and Community Board Hearings

- a. Complainant, charged student(s), witnesses and advisors will be asked to sign honesty statements, and they will be given an overview of how the hearing will progress. All witnesses will then be asked to leave the room and wait in a designated area, and the hearing will begin.
- b. Complainant gives an opening statement and perspective.
- c. Complainant is then questioned by charged student and community board members. In certain situations the complainant and/or charged student(s) will not be permitted to

directly question one another. In those cases, all questioning will go through the Board.

- d. Charged student gives an opening statement and perspective.
- e. Charged student is then questioned by complainant and community board members. In certain situations the complainant and/or charged student(s) will not be permitted to directly question one another. In those cases, all questioning will go through the Board.
- f. Statements are then brought forward from complainant witnesses (these may be in writing or live. If live, they must wait outside of the hearing room until called in). The Board and charged student will then be permitted to question witnesses.
- g. Statements are then brought forward from charged student witnesses (these may be in writing or live. If live, they must wait outside of the hearing room until called in). The Board and complainant will then be permitted to question witnesses.
- h. Final questions from the Community Board.
- i. Complainant may choose to make closing remarks.
- j. Charged student may choose to make closing remarks, including any statement as to mitigating circumstances the charged student wishes the board to consider.
- k. The Board may ask questions at any time during the hearing.

Decision Making. In all cases, decisions are based on a finding of “more likely than not” or a preponderance of information.

Confidentiality. To the extent permitted by law, all records of a case will be confidential.

Failure to Appear. If either party fails to appear when the case is called for a hearing, the Community Hearing Board or Case Administrator, in their sole discretion, may dismiss the action with or without prejudice to either party, set a new hearing date, or continue the hearing with the party present and/or represented. In the last instance, the board or Case Administrator may make decisions regarding responsibility and sanction the charged student as appropriate.

Timeline for Hearing Cases. Hearings for student or student organization matters will normally be scheduled within seven 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.

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 business/working days. The decision letter will include the rationale for the finding(s); sanction(s) (if applicable) and information on the appeal process (if applicable). In cases where a student is found in violation of alcohol or drug policies, and where a student may be suspended or dismissed, the University reserves the right to notify parents/guardians of the outcome of the case.

Notification of the decision will be done via email to the student's University email address or other appropriate mail. Decisions by a Case Administrator or Community Hearing Board for all hearings shall be final, pending the appeal process.

Hearing Records. Community Board

Hearings are recorded for the purposes of appeal only. Students who appeal may request to listen to the recording of the hearing in the Dean of Student's office. Recordings are not removed from the Dean of Student's Office.

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 VII of the Administration of University Code of Conduct. (See Section VII.)

E. Hearing Advisors

Each party may have one current member of the University community serve as a student's hearing advisor. Staff or faculty who are hired as a student's legal counsel outside the conduct process may not also act as a student's advisor in the University process. The charged student or complainant may act without an advisor if he or she wishes. Attorneys and parents are not permitted to serve as hearing advisors and are not permitted in University hearing proceedings. 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 role of the advisor is:

- a. Provide advisee with assistance in understanding how the hearing will proceed.
- b. Provide assistance with understanding the University resolution process.
- c. Provide emotional support before, during and after a hearing. At no time is the advisor permitted to address the board, or other parties in the hearing, directly.
- d. If an attorney is allowed to be present, the role of the attorney is the same as the role of the advisor.

For students facing, or likely to face, local, state or 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 may be present. The inclusion of attorneys in the conduct process may affect the time frame for adjudication of a Code of Conduct matter.

F. 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 charged student 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.

IV. INTERIM SUSPENSION

The President has empowered the Vice President of Student Affairs, Dean of Students or designee to suspend a student for an interim peri-

od pending disciplinary proceedings or medical evaluation, such interim suspension to become effectively immediately without prior notice, whenever there is evidence that the continued presence of the student on the University campus poses a substantial threat to anyone or to the stability and continuance of normal University functions. In such instances, the student will be afforded an opportunity to meet with either the Vice President of Student Affairs or Dean of Students or designee and be given an opportunity to discuss the following issues only:

- a. The reliability of the information concerning the student's conduct, including the matter of his or her identity.
- b. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus poses a substantial threat to anyone or the stability and continuance of normal University functions.

When interim suspension is imposed:

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

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.

V. SANCTIONS

The sanctions listed below are alphabetized and the order listed does not reflect seriousness of the sanction. 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.

A. Alcohol and/or Drug Assessment

The assessment requires the student to complete an assessment and follow through with the recommendations of a qualified counselor. There is a charge for the assessment which the student will be required to pay.

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

B. Cancellation of On-Campus Housing Agreement

Cancellation of the on-campus housing agreement results in the separation of the student from University residence facilities either permanently or for a period of time. Upon the cancellation of the agreement, the student is banned from entering all University residence facilities during the specified period of separation. Students at the freshmen or sophomore status will not typically be assigned this sanction as it effectively removes them from the University since they are required to live on campus to be an active student.

C. Dismissal

Permanent dismissal is the separation of the student from the University without future readmission. The student is barred from University property 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.

D. Drug Testing

Under certain circumstances, a student may be required to get periodic drug testing done at an assigned off campus site for a set period of time. Location for drug testing will be identified, with the results of all testing returned directly to the Dean of Students Office. All expenses for drug testing will be covered by the student.

E. Educational Requirements

Requiring a student to complete a specific educational requirement directly related to the violation committed. The may include but is not limited to, attending a program, counseling, develop a program, writing a paper, or other educational sanction. Students may be charged a fee to attend an educational program.

F. Fines

A monetary assessment not connected with financial damage or loss.

1. Failure to complete sanctions by the imposed date will normally result in at least 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 be at least \$75.
3. Students found responsible for an alcohol-related violation that does not put themselves or someone else's health or safety at risk may be assessed a fine of at least \$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 may be assessed a fine of at least \$100. 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) may result in a fine of at least \$300.

G. Letter of Apology

Submittal of a letter of apology to complainant/victim or other appropriate individuals and/or groups.

H. 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, membership and/or participation in social activities sponsored by residence halls, student organizations or the University.

Repeated or aggravated violations of any section of the Code may result in dismissal or suspension or other such lesser penalties as may be appropriate.

The University reserves the right to sanction any student found responsible, who pleads no contest, or is found responsible in a court of law for a violation of law. In these instances, disciplinary action will be administered by the Dean of Students office and will not be processed by a Community Hearing Board or Hearing Administrator. In situations where cases are setted or noll prost in the courts, the University reserves the option to continue with consideration of the violation through the University conduct process.

I. Parent/Guardian Notification

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

J. Probation

A specified period during which a student or student organization will face disciplinary sanctions, that could limit their participation in University programs, leadership roles, and/or other student extracurricular or social activity for a specified period of time. Fines and additional restrictions may also be imposed.

Notification of probation may be sent to appropriate University offices, including Athletics and the Office of Student Activities. Further violations could result in separation from the University.

K. Restitution

The student may be required to reimburse the University, appropriate individuals or organizations for damage, personal injury or misappropriation. A monetary assessment in the amount of financial damage or loss occurring as a result of misconduct will be assessed against the student's university account and legal action may be taken to recover the amount if not paid.

L. Sanctioned Service

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

M. Suspension

Separation from the University for a period of time during which time the student must leave the campus, usually within 24 hours, and the student 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 during the period of suspension. The student is not permitted to return to the campus without prior written consent from the Dean of Students or designee. The student is expected to adhere to all University policies while on suspension and will be held accountable for any violations during the period of suspension. The student may be eligible for readmission provided all sanctions are complete and their readmission has been approved. The Dean of Students or designee may approve the readmission after meeting with the student. Students who have been placed on suspension will not be eligible to register during open enrollment periods without prior approval of the Dean of Students. The sanction of suspension is noted as a hold on the student's account but is removed once all sanctions have been satisfied and readmission has been approved through the Dean of Students office. The student conduct hold will restrict privileges for course registration and release of transcripts.

Reinstatement Hearing. When a Board assigns the sanction of suspension, the charged student must meet with the Dean of Students or designee at the appropriate time to determine whether the charged party has met the conditions necessary for reinstatement.

The Dean of Students or designee 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 receiving a reinstatement meeting.

N. 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.

O. 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.

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 cancellation of aid.

VI. 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 suspension or dismissal.

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.

VII. APPEALS OF SU DISCIPLINARY ACTION THAT DO NOT INVOLVE DISCRIMINATION/ SEXUAL MISCONDUCT

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. The student must fill out the appeal form that was included with the decision letter, as well as submit a rationale for the appeal that specifically addresses the reason 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
 - c) student requests an evaluation of assigned sanction(s) because of extraordinary circumstances
 - d) the finding is unsupported by any evidence
4. The appeal review will be assigned to the appropriate board or administrator by the Dean of Students. The appellate body will not have any previous involvement in the decision making of the original hearing. The appeals will involve a review of all documents and transcripts and does not typically involve a meeting with the charged student or other persons unless requested by the Appeals Board.
5. The appellate body will review all documentation associated with the case and determine whether sufficient grounds exist to reconsider the case. The appellate body will take one of the following actions:
- a. Concur with the original action. The appeal

is then dismissed and the original decision stands.

- b. Modify the sanction to be fair to the facts or findings of the case (modification can increase or decrease sanctions)
 - c. Refer the matter to the appropriate hearing body if based on procedural error.
 - d. Refer the matter back to the original hearing body if based on the grounds of new relevant information. The original hearing body, complainant, charged students and, if required, witnesses will reconvene to review only the new information. The board will then render a decision based on the new information.
 - e. Reverse a finding of responsibility. The University reserves the right to take any action necessary to corroborate the student's statements.
6. Appeals of suspension or expulsion will be directed to the Dean of Students or designee.

Student Status Pending Final Action

Except for Interim Suspension disciplinary actions which are appealed are held in abeyance pending action by the appellate hearing body. The University reserves the right to temporarily remove a student from the residence halls and/or the 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.

Continued Enrollment During Appeal

- a. Students appealing SU disciplinary action involving involuntary separation from the University may 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 or to anyone, 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").

Disciplinary Records

Disciplinary records are retained in the Office of Student Affairs. Cases that result in the suspension or expulsion of a student will be 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.

Medical Amnesty Policy

The health and safety of University students is of paramount concern. All members of the University community are encouraged to act in a responsible manner when an individual may require medical assistance by dialing 911 or the Salisbury University Police emergency line at 410-543-6222 or seeking a University or Office of Housing and Residence Life official. It is recognized that in situations in which either a student summoning or requiring help is under the influence of alcohol and/or drugs, the threat of disciplinary sanctions for violating the University's alcohol and/or drug policy may be under certain circumstances, a barrier to seeking help. As such, Salisbury University will do all that it can to promote student, health, safety and well-being. The Medical Amnesty Policy is a policy administered by the Office of Student Conduct that will reduce barriers to seeking help in cases of alcohol and/or drug-related emergencies by providing relief from administrative or disciplinary action on the part of the University under certain circumstances if either a University official or other authority is contacted in a timely fashion.

Policy

1. A student in possession or under the influence of alcohol and/or drugs who summons medical emergency assistance for him/herself or on behalf of a fellow student experiencing a medical emergency will not face disciplinary charges under the Code of Conduct or Residence Hall Regulations for the possession or use of alcohol and/or drugs, with the exception of the exclusion noted below. In lieu of disciplinary charges and as a condition of such relief, students handled under this policy will usually be required to be evaluated by the

Counseling Center staff and successfully complete an approved alcohol and/or drug intervention program and complete other appropriate mandates issued by the Dean of Students or designee.

2. This policy also extends to the student for whom medical emergency assistance has been summoned.
3. A "summons" for medical emergency assistance is deemed to be contacting police, University staff or other officials designated emergency medical providers, and staying with the individual until that help arrives.

Process

Students referred to the Office of Student Conduct for alcohol and/or drug use or possession will have their case reviewed by a representative of The Dean of Students office. If the student is eligible for the conditional relief under this policy, the initiation of disciplinary charges will be "deferred" pending successful completion of an approved alcohol and/or drug intervention program, as deemed necessary by the Counseling Center staff and other appropriate offices. If the student successfully completes the program to the satisfaction of the Counseling Center staff and the Office of Student Conduct, the pending charges will be withdrawn, leaving the student with no disciplinary record. If the student fails to successfully complete the program within the required time frame, disciplinary charges will be processed and, if proven, may result in more severe sanctions and a disciplinary record.

Exclusions

1. Medical Amnesty for disciplinary charges described in this policy do not extend to charges other than possession or use of alcohol and/or drugs. In addition, it shall not provide relief from disciplinary charges pertaining to the alleged possession or use of alcohol and/or drugs, which, if proven, would involve distribution of drugs or the provision of alcohol to a person under the legal drinking age.
2. Students with a prior disciplinary record of alcohol and/or drug-related violations and students previously granted relief under this policy as the person for whom the emergency services were being summoned, shall only be eligible for relief on a case-by-case basis following an assessment by the Office of Student Conduct.
3. This Policy does not and cannot offer persons conditional relief, immunity, or protection from criminal complaint, arrest, or prosecution by

University police or other person or official for illegal activity, including the illegal use or possession of alcohol and/or drugs in violation of Local, County, State, or Federal law. However, State law provides that the “act of seeking medical assistance for another person who is experiencing a medical emergency after ingesting alcohol or drugs may sometimes and under certain circumstances be used as a mitigating factor in a criminal prosecution.” See Anno. Code of Maryland, Criminal Procedure Article, Section 1-210. This policy also does not provide relief from any civil suit, fine, or financial obligation to any party (including the University) for loss, damage, or injury associated with alcohol and/or drug use or possession.

4. This Policy does not offer conditional relief to student organizations, which remain subject to University instituted organizational charges for alcohol and/or drug-related violations, including possession and use. The nature of such charges and any resulting disciplinary sanctions, however, will take into account and may be mitigated by the action taken by organizational representatives. A representative of a student organization who summons medical emergency assistance may also be eligible for Medical Amnesty and thus conditional exemption from charges for his or her personal use or possession of alcohol and/or drugs under this policy.

PROCEDURES FOR INVESTIGATING AND ADJUDICATING COMPLAINTS OF SEXUAL MISCONDUCT AND OTHER SEX AND GENDER-BASED DISCRIMINATION AGAINST A STUDENT

I. PURPOSE

These Procedures (“Procedures”) provide a process for the prompt and equitable investigation and adjudication of complaints of Sexual Misconduct [*Capitalized terms herein are defined in Salisbury University Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination (hereinafter “the Policy” or the “SU Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination”).*] and other sex and gender-based discrimination (“Prohibited Sex Discrimination”) against a Salisbury University (“SU” or “University”) student (hereinafter referred to as “Student”). [*As referred to in these Procedures, the term Student refers to a currently enrolled Student as well as any Student groups or organization, including, but not limited to, an athletic team, a Greek organization and/or a club. Additionally, Student refers to any person who has been notified of their acceptance of admission, who withdraws after allegedly violating University policy, or who is not officially enrolled for a particular term, but has a continuing interest or relationship with the University (e.g., on suspension or serving other disciplinary sanctions).*] These Procedures ensure SU’s compliance with Federal and State law, University System of Maryland (“USM”), and SU policies prohibiting discrimination based upon sex and gender, including, but not limited to, Salisbury University’s Policy Prohibiting Sexual Misconduct and Other Sex and Gender-

Based Discrimination. These Procedures replace any prior SU procedures related to complaints, investigation and adjudication of any allegation of Sexual Harassment and Discrimination against any Student.

Any person, including, but not limited to, a Student, a member of the faculty, administration or support staff, a visitor or guest to the campus community, campus or local police, or a family member, alleging Prohibited Sex Discrimination against a Student may file a complaint or report against such Student with the University as set forth herein. The University, on its own, may also initiate, investigate, and adjudicate complaints of Prohibited Sex Discrimination against Student under these Procedures. The Procedures also address complaints or reports of Retaliation allegedly committed by a Student in connection with any Prohibited Sex Discrimination matter. For example, Retaliation covered by these Procedures could include, but it is not limited to, alleged Retaliation against individuals who have filed complaints or reports, testified, or otherwise participated in connection with a matter of Prohibited Sex Discrimination. Complaints against a Non-Student (i.e., faculty, staff, or a third party) shall not proceed under these Procedures, but pursuant to the Salisbury University Procedures for Investigating and Adjudicating Complaints of Sexual Misconduct and Other Sex and Gender-Based Discrimination Against Non-Students available at:

www.salisbury.edu/equity/library/docs/DiscriminationProceduresForNonStudents.pdf

These Procedures are effective as of January 23, 2015, and supersede any former Procedures related to complaints or reports of Prohibited Sex Discrimination filed against a Student.

II. COMPLAINTS AND REPORTING

A. Reporting to SU

Complaints of Prohibited Sex Discrimination against a Student should be made to the SU Office of Institutional Equity/Fair Practices Officer/Title IX Coordinator (“OIE”). For confidential reporting options, please refer herein to section “IV. Confidentiality, A-C). The OIE’s staff members are trained to help individuals find the resources they might need, to explain all reporting options, and to respond appropriately to

conduct of concern. All instances of Retaliation should be reported and will be addressed in the same manner. The contact information for the OIE is listed below:

Humberto Aristizabal
Title IX Coordinator, Fair Practices Officer
and Associate Vice President for Institutional Equity
Office of Institutional Equity
Holloway Hall Suite 100
410-548-3508
hxaristizabal@salisbury.edu

There are several ways to report to the OIE:

1. Leave a private voice message for the OIE;
2. File a complaint or report on the Fair Practices Complaint Intake Form, which is also available on the following link: www.salisbury.edu/equity/library/docs/Fair%20Practices%20Complaint%20Intake%20Form.pdf;
3. Send a private email to the OIE at equity@salisbury.edu;
4. Mail a letter to the OIE office; or
5. Visit the OIE (it is best to make an appointment first to ensure availability).

If there is a complaint about the OIE or any staff member that is part of the OIE, or if any staff member that is part of the OIE has a complaint, that complaint should be filed with the President of the University. The President will appoint another trained individual to take the place of the OIE for purposes of the complaint.

Individuals may alternatively report to any Title IX Team Member and/or Responsible Employee (as defined in Salisbury University’s Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination, available at:

www.salisbury.edu/equity/library/docs/SUProhibitedSexDiscriminationPolicy.pdf

SU will investigate any report of Prohibited Sex Discrimination made to the OIE, Title IX Team Members, or Responsible Employees, in accordance with these Procedures.

Complaints and reports should be made as soon as possible after an incident. The OIE coordinates and tracks all complaints, reports, and trends under these Procedures.

B. Duties of the Responsible Employee Receiving a Complaint

Any Responsible Employee, as defined in Salisbury University’s Policy Prohibiting Sexual

Misconduct and Other Sex and Gender-Based Discrimination, available at www.salisbury.edu/equity/library/docs/SUProhibitedSexDiscriminationPolicy.pdf, which receives a complaint or report under these Procedures, must do the following:

1. Advise the Complainant of the existence of Salisbury University's Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination, available at: www.salisbury.edu/equity/library/docs/SUProhibitedSexDiscriminationPolicy.pdf., as well as these Procedures, and where to find the same.
2. Advise the Complainant of the existence of the OIE and its role in the complaint resolution process.
3. Advise the Complainant of the Responsible Employee's duty to report the Complainant's allegations to the OIE within 24 hours to ensure the Complainant is fully informed of their rights and responsibilities under Salisbury University's Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination, available at: www.salisbury.edu/equity/library/docs/SUProhibitedSexDiscriminationPolicy.pdf
4. Make written notes of the allegations.
5. Notify the OIE of the complaint within 24 hours of receiving the report, and consult with OIE, as needed, during the OIE initial assessment.
6. As soon as reasonably possible, and preferably concurrently with notice to the OIE, complete and submit to the OIE the Fair Practices Complaint Receipt Form, available at: www.salisbury.edu/equity/library/docs/FairPracticesComplaintReceipt.pdf
7. Failure for Responsible Employees as defined in Salisbury University's Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination to comply with these requirements and obligations may result in sanctions, as appropriate.

C. Criminal Reporting and Emergency Response

Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to call for help is 911. You may also call for help and make a report to the University regarding Prohibited Sex Discrimination by calling the Salisbury University Police (410-543-6222). Some forms of Prohibited Sex Discrimination may be a

crime. For example, Sexual Assault, Stalking and rape are crimes. In addition to the OIE reporting set forth above, the University strongly encourages any victim of a potential crime to report such potential crime to the appropriate law enforcement agency, even if it is uncertain whether the particular conduct is a crime. Calling local law enforcement can help you: obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with a victim advocate service; find counseling and support; initiate a criminal investigation and help to secure valuable evidence; and answer questions about the criminal process.

III. JURISDICTION AND ROLE OF THE OIE

A. OIE's Jurisdiction

The OIE has jurisdiction to investigate and resolve complaints alleging Prohibited Sex Discrimination and related Retaliation. Under these Procedures, OIE's jurisdiction extends to Prohibited Sex Discrimination alleged against a Student. Allegations against any Student will be adjudicated in accordance with these Procedures. If any individual reports allegations against a third party who is not affiliated with the University community, under SU control, or subject to University Policies, OIE will take reasonable steps to convey the allegation to the proper individual or entity for investigation and will take any available and reasonable steps at SU to address the Prohibited Sex Discrimination and limit its discriminatory effects. Allegations against Non-Students will be adjudicated in accordance with the University's Discrimination and Sexual Misconduct Grievance Procedures for Complaints Against Non-Students, also available at:

www.salisbury.edu/equity/library/docs/DiscriminationProceduresForStudents.pdf

The OIE is also empowered to issue findings and impose sanctions for any violations of the Student Code of Conduct directly related to the alleged sexual misconduct or any alleged Policy violations. Determination of responsibility and sanctions for related violations will be issued in the same or a separate report, as permitted by

law, and the OIE shall not inform the Complainant of the sanctions and findings related to these violations unless allowed by law. Please note that the University's Medical Amnesty Policy may be applicable under the jurisdiction of OIE. OIE will consider and make decisions under the Medical Amnesty Policy, as appropriate.

B. OIE's Role

The OIE is charged with coordinating the University's compliance with applicable federal and state civil rights laws, and does not act as an advocate for any party. Upon receipt of a complaint or report, the OIE will ensure that the Complainant is provided with a copy of the relevant SU policies and Procedures.

The OIE will explain to the parties the following:

1. The informal and formal resolution options and the confidentiality provisions outlined below.
2. As appropriate, provide to both parties information about options for obtaining medical and counseling services, information about making a criminal report, information about receiving advocacy services, information about other helpful campus and community resources. The OIE will provide the parties a list of available resources also located at the OIE Web site at the following link: www.salisbury.edu/equity/library/docs/OIE%20Resource%20Document%20List.pdf
3. Offer to coordinate with other campus officials, when appropriate, to implement interim remedial measures such as no-contact orders, rearrangement of living or working arrangements, or academic accommodations.
4. The process of a fair and impartial investigation, and conduct the same. The OIE will explain the right of the parties to have similar and timely access to information the OIE will consider during the adjudication process.
5. The right to have any Adviser present during any stage of the process.
6. If an individual does not want to pursue a complaint, the OIE will inform the individual that the University may be limited in the actions it can take without the cooperation of the individual.
7. Retaliation for reporting Prohibited Sex Discrimination or participating in an investigation of Prohibited Sex Discrimination is strictly prohibited and that any Retaliation should

be immediately reported to OIE to be promptly addressed.

8. There is a Good Faith Requirement in connection with allegations of Prohibited Sex Discrimination and the University will impose penalties if an investigation reveals that any allegation was made in bad faith.
9. The University's right and/or legal obligation to investigate the complaint in some cases, even if the Complainant does not choose to pursue it, if such an investigation is necessary to protect the University or the Community.

C. Initial Assessment

Responsible Employees must comply with their duties as set forth in Section II.B above. This includes, but is not limited to, gathering initial information when receiving a complaint or knowledge of any facts that could indicate potential Prohibited Sex Discrimination. The Responsible Employee receiving the initial complaint must also promptly consult with OIE so that OIE may determine whether the alleged conduct would present potential Prohibited Sex Discrimination under OIE jurisdiction and whether OIE action is warranted based on the alleged conduct. During the assessment, the OIE will work with relevant SU officials to determine the risk of harm to the broader campus community and take steps necessary to address any risks, implement any Interim Measures, assess the nature and circumstances of the allegation, assess for pattern evidence or other similar conduct by the alleged Respondent, assess Complainant's expressed preference regarding resolution and any request for confidentiality, and assess whether the matter needs to be referred to the Office of Student Affairs, the SUPD, or any other appropriate entity for further action.

If an initial assessment reveals that the OIE lacks jurisdiction over any alleged action, the OIE will, if warranted and available, forward the complaint to any appropriate body at SU for consideration and action. If after conducting the initial assessment it is determined that the behavior in question involving a Student is not under OIE's jurisdiction, the matter will be referred to the Office of Student Affairs.

IV. CONFIDENTIALITY

A. Confidentiality of Complaints, Reports and Outcomes

The University understands that the Complainant, Respondent, and Witnesses involved in any Prohibited Sex Discrimination matter desire confidentiality during the investigation and adjudication of such matters. While the University will keep these matters confidential to the extent possible and as required by law, the University cannot ensure complete confidentiality, or even the confidentiality requested by parties, in all cases. The OIE will, to the best of its ability, keep confidential the complaint, report, Witness statements, and any other information provided by the Complainant, Respondent, or Witnesses, and will disclose this information only to any individual who needs to know and/or is allowed to know by law. In addition, the OIE may need to disclose information to law enforcement consistent with state and federal law; to other University officials as necessary for coordinating Interim Measures, for health, welfare, safety, and other appropriate reasons, as well as to government agencies who review the University's compliance with federal and state law.

A written decision from the OIE will be disclosed to the Complainant and Respondent only as allowed by law. For example, see Salisbury University Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination, V.B.5, available at www.salisbury.edu/equity/library/docs/SUProhibitedSexDiscriminationPolicy.pdf, for FERPA allowed disclosures. Generally, University Officials, including members of the OIE, may have obligations to keep information they learn confidential, subject to limited exceptions, for example, when necessary to protect health, welfare or safety and/or any other appropriate reasons. Information about complaints and reports, absent personally identifiable information, may be reported to University officials as needed and/or to external entities for statistical and analysis purposes pursuant to applicable federal and state law, and University policy. Confidential assistance for victims of discrimination and Sexual Misconduct may be available at the University through the Counseling Center at 410-543-6070 and the Student Health Services

at 410-543-6262 or via other resources listed in the Salisbury University's Policy Prohibiting Sexual Misconduct and Other Gender-Based Discrimination at the following link:

www.salisbury.edu/equity/library/docs/SUProhibitedSexDiscriminationPolicy.pdf

Confidential and non-confidential Resources are available at the following link:

www.salisbury.edu/equity/library/docs/OIE%20Resource%20Document%20List.pdf

B. Reporter or Complainant Requests No Investigation/Adjudication

If a reporter or Complainant requests that an investigation not be conducted, or that a specific adjudication process or part thereof not take place, the OIE will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed and members of the campus community. The OIE must also balance considerations about the continued health and safety of members of the community, or for any other expedient reason, against a reporter's or Complainant's desire not to have the report investigated. In cases when a reporter or Complainant does not want to have a report investigated, but the OIE has concerns that not taking formal or informal action might violate law and/or endanger the health or safety of any individual, the OIE will initiate confidential consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take. Consultation may occur with appropriate and relevant University officials, including, but not limited to, the Office of Student Affairs, the Provost, the Chief of SU Police or designee, the chair(s) of the Behavioral Assessment Team (BAT), psychological health professional(s), the Associate Vice President of Human Resources, and legal counsel. The OIE will make the ultimate decision about whether to conduct a formal investigation or respond to the report in another manner, including taking informal actions, such as those described herein.

C. Anonymous and Third Party Reporting

The OIE accepts anonymous and third-party reports of alleged Prohibited Sex Discrimination and will appropriately follow up on such reports.

The individual making the report is encouraged to provide as much detailed information as possible to allow the OIE to investigate and respond as appropriate. The OIE may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the OIE to conduct a meaningful and fair investigation.

V. IMMEDIATE ACTIONS, RESOURCES AND INTERIM MEASURES

Any participant in the investigation process may request, and the University, on its own or at a party's request, may take Interim Measures, as appropriate, to assist or protect the parties during any investigation and adjudication process. Such measures for a Complainant may include, but are not limited to, assistance in obtaining no-contact or protective orders, enforcing existing and lawful no-contact or protective orders, and changing academic, transportation, residential, and working situations, if such accommodation is reasonably available. More information on obtaining Interim Measures may be found in section V.A. of the Salisbury University Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination, available at:

www.salisbury.edu/equity/library/docs/SUProhibitedSexDiscriminationPolicy.pdf

OIE will also advise the participants in the investigation of existing options for counseling, health, mental health, victim advocacy, and other services available on and off campus for the parties during any investigation of Prohibited Sex Discrimination. A list of available resources is located at:

www.salisbury.edu/equity/library/docs/OIE%20Resource%20Document%20List.pdf

VI. PATTERNS

The OIE shall be responsible to identify policies, practices or patterns of behavior that exhibit prohibited Sex Discrimination under this Policy. The OIE shall report these observations and findings to the appropriate unit officials and

recommend appropriate action to eliminate the alleged Prohibited Sex Discrimination.

VII. ADVISERS

Parties to a matter involving an allegation of Policy Violation are entitled to an Adviser of their choice, which means any person who has been chosen by a Complainant or Respondent, and who has agreed to provide advice, review documents, and generally provide moral support, at the party's own cost. Advisers may accompany advisees to any interviews or meetings that result from these Procedures. Advisers are bound by the same confidentiality requirements applicable to the parties, are not permitted to speak on behalf of their advisees, and are not to represent themselves as speaking on behalf of the University with respect to the matter on which they are advising. Any individual acting as an Adviser under this Policy who violates confidentiality is in violation of this Policy and subject to disciplinary action up to and including, but not limited to, being barred from acting as an Adviser in this and/or future complaints or termination of employment, depending on severity. It is important, when one chooses an Adviser, to ask for the individual's consent to serve in this capacity before divulging any confidential information. Notice of the identity of any Adviser and their expected appearance must be given to the OIE at least 24 hours prior to any meeting or proceeding that an Adviser will attend.

VIII. RESOLUTION

[Individuals choosing to file a complaint are encouraged to complete "Internal Fair Practices Complaint Intake Form" available at www.salisbury.edu/equity/library/docs/Fair%20Practices%20Complaint%20Intake%20Form.pdf <http://www.salisbury.edu/equity/library/docs/Fair%20Practices%20Complaint%20Intake%20Form.pdf>.]

There are two avenues for resolution of an alleged Prohibited Sex Discrimination: informal and formal resolution. The OIE is available to explain the informal and formal resolution Procedures.

A. Informal Process and Resolution

The Complainant generally has the option to proceed informally at any time during any adjudication process, when permissible per applicable law. However, the Complainant is never required to proceed informally. In cases involving allegations of Sexual Assault, informal resolution is not appropriate at any step in the process, even if both the Complainant and Respondent indicate a preference for informal resolution. [The U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter, dated April 4, 2011, p. 8, states: [I]n cases involving allegations of Sexual Assault, mediation is not appropriate even on a voluntary basis. Likewise, the University System of Maryland, VI-1.60 – Policy on Sexual Misconduct, p. 9, states that requiring or allowing the use of mediation in Sexual Assault cases is prohibited.]

Faculty, exempt, non-exempt and contingent employees, as well as any Student and third parties, should feel free to informally raise a concern about any form of Prohibited Sex Discrimination committed by a Student to any Responsible Employee as defined in Section II.I of Salisbury University's Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination, available at: www.salisbury.edu/equity/library/docs/SUProhibitedSexDiscriminationPolicy.pdf. Upon notification of any informal or formal complaint of Prohibited Sex Discrimination, University Responsible Employees must notify the OIE in writing within 24 hours of receiving the complaint. The Responsible Employee approached by a Student, faculty or staff member for an informal complaint should take notes to document the conversation, even if the Complainant objects, and should forward those notes to the OIE as part of the notification. Any legally recognized form of privileged communication is exempt from this requirement. The Complainant and the OIE, in consultation with the Office of Student Affairs, will thereafter work together to decide additional steps necessary to resolve the complaint, and in appropriate instances, a complaint may be resolved informally. Informal complaints may be resolved by one of the following:

1. A decision to stop further action on the informal complaint;
2. A resolution of the informal complaint by agreement of the parties and the approval of the OIE; or

3. Initiation of the formal complaint process.

When permissible per applicable law, a Complainant or Respondent has the option to participate in any informal resolution. The Complainant also has the option to request a formal investigation and/or adjudication at any point in the informal process. The OIE also always has the discretion to initiate a formal investigation. If, at any point during the informal process, the Complainant, the Respondent, or the OIE wishes to cease the informal process and to proceed through formal grievance Procedures, the formal process outlined below will be invoked.

The informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the University to stop, remedy and prevent Prohibited Sex Discrimination. Informal actions might include, but are not limited to: providing training to an individual or group; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination or hostile environment harassment; establishing agreed upon Interim Measures; increased monitoring or security at specified locations; or facilitating a confidential conversation with the parties in a non-Sexual Assault case; and any other remedy that can be tailored to the parties to achieve the goals of the relevant Policy.

B. Formal Process

1. How to Start the Formal Process

A person wishing to initiate a formal process against a Student (i.e., a formal investigation and adjudication) should generally file his/her complaint in writing and in person with the OIE as promptly as possible to permit the University to accurately investigate the allegations and appropriately remedy any violation(s). The University will review all complaints in compliance with applicable policies and these Procedures. The complaint should be signed by the Complainant and should include the following information: a description of the allegations with relevant dates, places and statements made, the name(s) of the person(s) involved, the names of any Witnesses to the events in question, any documentation to support and substantiate the claim, and the remedy requested. If the complaint is not available in writing, the OIE may document the Complainant's state-

ments and attempt to obtain the Complainant's signature on those notes to signify that the Complainant agrees with the description of the alleged Prohibited Sex Discrimination as recounted by the OIE. Complainants will be provided by the OIE with an intake form to facilitate the process of collecting germane information on their complaint. The Internal Fair Practices Complaint Intake Form is also available at: www.salisbury.edu/equity/library/docs/Fair%20Practices%20Complaint%20Intake%20Form.pdf. If the Complainant refuses to cooperate with the investigation, is reluctant to pursue the investigation, or for any reason refuses to sign the alleged complaint, the OIE may go forward with these Procedures, as required, to address the allegations in an effort to end Prohibited Sex Discrimination or related Retaliation, prevent its recurrence, and remedy its effects on the Complainant and the University Community.

a. Notice of Investigation

The Respondent, the Complainant, the Assistant Vice President of Student Affairs/Dean of Students, and any other University official with a need to know, will be notified of the initiation of the formal process against a Student. In the Respondent's notice, he/she will be invited to submit a written response to the OIE within ten (10) University business days of receiving the notification. OIE may also schedule an interview with Respondent during or after any pending written response period.

b. Investigation and Timeline

Upon receipt of the written complaint, the OIE shall begin an investigation into the claims by appointing one or more trained investigators from the OIE staff, the Title IX Team, or, if appropriate, any other internal or external investigator. During the investigation, the OIE or designee is not permitted to discuss the investigation with anyone except as circumstances warrant on a need-to-know basis. The investigator will communicate with the Assistant Vice President of Student Affairs/Dean of Students and legal counsel to the University in most cases. The investigation ordinarily will include a discussion with the Complainant, a discussion with the Respondent, interviews of any Witnesses to the events, a review of any pertinent documents and any other actions deemed appropriate by the investigator(s). The OIE and/or investigator(s) shall make every effort to keep the investigation confidential, although this

cannot be guaranteed, and all participants in the investigation shall be subject to the requirement that all parts of the investigation remain confidential. The privacy of all parties to a complaint under this policy must be strictly observed, except insofar as it interferes with the University's obligation to fully investigate allegations of violation of this policy or to notify applicable governmental agencies as may be required by law. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. In these cases, privacy and confidentiality should be maintained to the extent possible. Breach of confidentiality by the investigator(s) will result in a permanent removal from the investigation and may subject that person to disciplinary action.

The OIE may assist to initiate Interim Measures to address the allegations, as appropriate, while the investigation is pending. For more information on Interim Measures, see Salisbury University's Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination, available at:

www.salisbury.edu/equity/library/docs/SUProhibitedSexDiscriminationPolicy.pdf

The OIE investigator(s) or designee(s) generally shall complete the investigation within sixty (60) days of receiving the Complaint. If the investigation cannot be completed within that timeframe, the reasons for delay must be noted in writing for the file and copied to the Complainant and the Respondent.

c. Standard of Proof and Evidence

In determining whether the alleged conduct constitutes Prohibited Sex Discrimination, the OIE will look at the record of the particular complaint as a whole and the totality of the circumstances of the complaint, including, but not limited to, the nature of the behavior, the particular facts of the case, the nature of the relationship and interactions between the parties, and the context in which the alleged conduct occurred. To determine whether the alleged conduct is prohibited by any relevant policy, the standard shall be from the perspective of "a reasonable person within the University Community." Common sense and reason shall guide the official reviewing the case.

Both parties will have the opportunity to have notice of, as well as be heard by, the OIE with regard to any evidence to be considered for or against them. This includes, but is not limited to, the parties' opportunity to respond to information

received during the course of the investigation. Both parties will have the same access to information to be used and considered during the process, and the same opportunity to present names of relevant Witnesses and identify and provide evidence during the process.

The required standard of proof in all Prohibited Sex Discrimination subject to these Procedures is “preponderance of the evidence” that the conduct set forth has occurred. Preponderance of the evidence means that the information and facts establish it is “more likely than not” that the alleged Prohibited Sex Discrimination occurred, as defined in relevant Policy.

The University is cognizant that, on occasion, baseless complaints are intentionally filed. The University will take strong steps to address spurious complaints and may take appropriate disciplinary action if a Complainant is believed to have intentionally filed a complaint in bad faith.

The University fully supports the principles of academic freedom, and is committed to protecting the free expression of ideas, teaching methods and course content in the academic setting. At the same time, faculty members and others teaching or instructing at the University may not engage in classroom behavior that constitutes Prohibited Sex Discrimination. Academic freedom protects the use of, and is defined as, in part, verbal or visual environmental factors that are germane to the course material and not directed at any individual in the University Community, and is not prohibited. This may include, but is not limited to, reading and discussing a piece of literature depicting scenes of a graphic sexual nature, discussing social issues involving sexuality or sexual conduct, even if such discussion includes graphic references or visual aids, or frank and graphic discussion of the biology of human sexuality.

d. Investigation and Decision

All parties will have the same opportunity to present relevant witnesses and evidence during the investigative process and all parties will have the same opportunity to review proposed written findings and provide written comments to the investigator regarding such findings prior to an initial outcome. The parties will have five (5) University business days after the proposed findings are emailed to them via their respective University assigned electronic mail accounts, or another appropriate manner in the case of non-Students, to provide written comments to OIE.

All information submitted by the parties in

response to the proposed findings will be carefully reviewed by the OIE. This information will be evaluated for relevancy and determinations will be made if it necessary to modify the proposed findings.

A written decision shall be issued by the OIE at the conclusion of the investigation, setting forth (1) a statement of the findings of fact concerning the alleged events; (2) a statement identifying relevant elements of the policy to support the conclusion that a violation of University policy did or did not occur based on a preponderance of the evidence; (3) sanction(s), if applicable; and (4) notification of right to appeal (hereinafter “Outcome”).

Any outcome, including sanctions, must be consistent with applicable law and USM and SU policies. Depending on the nature and severity of the findings, the possible sanctions include, but are not limited to, probation, suspension, dismissal from the University, counseling, training, educational sanctions, sanction service, cancellation of on-campus housing, fines, withholding a degree, or termination of employment, in the case of Student workers. These sanctions may be imposed even after a first offense, under appropriate circumstances. Sanctioning may take into account any previous Prohibited Sex Discrimination violation(s) and/or the Respondent’s current disciplinary standing with the University.

The OIE will concurrently issue the Outcome to the Complainant and Respondent, as allowed by law, and shall copy the Assistant Vice President of Student Affairs/Dean of Students and any other appropriate University Administrators.

If either party disagrees with the Outcome, they may file an appeal pursuant to the “Appeals Procedures” section below. If neither party appeals, the OIE decision become final on the day immediately following the expiration of the time for filing an appeal.

IX. APPEAL PROCEDURES

A. Authority of the Appeal Officer

The Vice President of Student Affairs or designee (“AO”) has the authority to review appeals of either party relating to the Outcome in a Prohibited Sex Discrimination matter where a student is a Respondent.

B. Appeal Request

A request for an appeal must be filed within five (5) University working days of the receipt of the OIE's decision. The request for an appeal must be filed with the AO specified by OIE in the Outcome. In all cases, the AO will provide the OIE with a copy of the initial appeal request, as soon as practicable. The non-appealing party will also, if permitted, receive prompt and appropriate notice of the appeal request. Appeals submitted after five (5) University working days will be denied.

The appeal must be in writing and must describe the appellant's desired outcome, as well as state specific grounds for the appeal. Mere dissatisfaction with the Outcome is not a valid basis for appeal. Grounds for appeal are limited to the following: (a) specified procedural errors or errors in interpretation of University policies were so substantial as effectively to deny a Complainant or Respondent notice or a fair opportunity to be heard; (b) new or significant information that became available and could not have been discovered by a properly diligent party before or during the investigation or adjudication; or (c) a violation of substantive due process occurred (i.e., the OIE decision was based on an illegal or constitutionally impermissible consideration such as race, gender, exercise of 1st Amendment freedoms, etc.).

C. Standard of Review

The AO shall review the findings and sanctions of the OIE on the narrow bases above. The burden of proof lies with the appealing party, as the OIE determination is presumed to be reasonable and just. The AO may affirm, overturn, or modify the findings and/or sanctions of the OIE if it finds that a proper and supported appeal basis exists.

D. The Appeal Decision

Generally, within 10 working days of the submission of the written appeal statement, the AO will submit a decision in writing to the appropriate parties and the OIE. This decision shall be the final decision of the University regarding the Prohibited Sex Discrimination.

E. Further Employee Rights

In certain circumstances, SU Students who are also employees may have further rights to challenge sanctions issued for findings of Prohibited Sex Discrimination, pursuant to the USM and SU Appointment, Rank & Tenure Policies, applicable MOU, and/or other applicable separate procedures giving employees a right to challenge implementation of or further appeal a disciplinary action.

X. FINAL OUTCOME AND POST-RESOLUTION FOLLOW UP

After all review processes are concluded, the OIE or designee will promptly notify the Complainant, the Respondent, the Assistant Vice President of Student Affairs/Dean of Students, and any other appropriate University Administrators, in writing, of the final outcome of the Prohibited Sex Discrimination complaint.

After a final sanction and remedy is issued, the OIE may periodically follow up with the Complainant and Respondent to ensure that the Prohibited Sex Discrimination has ended, to determine any additional remedies necessary, and to ensure compliance with sanctions imposed. Any violation of an Interim Measure or sanction imposed for Prohibited Sex Discrimination should be promptly reported to the OIE.

XI. CONFLICT OF INTEREST AND TRAINING

All University officials who are involved in the discrimination grievance process, including the OIE, designated investigators and AO, will have adequate training. Training will address, but is not limited to, recognizing and appropriately responding to allegations of discrimination, harassment, including hostile environment harassment, Sexual Misconduct, and Retaliation, conducting investigations, protecting confidentiality, and recognizing the link between alcohol and drug use and Sexual Assault and Sexual Harassment.

The names of the investigator and the individual who will serve as AO for a particular matter will be readily accessible. These individuals must promptly disclose any potential conflict of interest they might have in a particular case. In the rare situation in which an actual or perceived conflict of interest arises from the involvement of an Investigator or AO, that conflict must be disclosed to all parties and any potential or actual conflict will be appropriately addressed.

STUDENT ORGANIZATIONS

EXPECTATIONS FOR GREEK AND REGISTERED STUDENT ORGANIZATIONS AND ATHLETIC TEAMS

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.

Alcohol Policy for Greek and Registered Student Organization Events

- a. Hard alcohol/ liquor, an open bar or free alcohol is not permitted to be served at events sponsored by student organizations.
- b. The advertisement of alcohol for any student-sponsored event is prohibited.
- c. University catering is the only permitted third party alcohol vendor for on-campus events that serve alcohol, and alcohol can only be consumed by those of legal age.
- d. All servers must be TIPS trained with overall supervision from a TIPS certified on-site staff member. No individual from any student organization will be permitted to serve alcohol at any University related or student organization event.
- e. For RSO- or Greek-sponsored events, appropriate safeguards should be preapproved by the Office of Student Activity Organizations and Leadership (OSAOL) to monitor and limit the amount of alcohol served per person (identifying and showing proof of age, tickets, bracelets, etc.).
- f. 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.
- g. All sponsoring groups/event planners are responsible for creating, monitoring, maintaining and supervising a safe and educationally appropriate environment when alcohol is being served.
- h. All event planners must receive information on server liability issues and sign off to indicate that they have read and understand their responsibilities. For Registered Student Organizations (RSOs), OSAOL will have the appropriate documents to read and sign.
- i. Nonalcoholic drinks and food must be included at all campus events where alcohol is being consumed.
- j. No more than the equivalent of one drink per student, who is at least 21 years of age or

- older, 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.
- k. The Office of Student Affairs and/or OSAOL reserves the right to limit the time, manner and place of the event.
 - l. Event planners may be held accountable by the University including for conduct violations for the behavior of visibly intoxicated participants.
 - m. Program sponsors are prohibited from selling or furnishing alcoholic beverages to a minor (those under the age of 21) or a person visibly under the influence of alcoholic beverages.
 - n. Any form of drinking contest is prohibited at any University-sponsored event.
 - o. 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 for the event, provider, promotional items including names, logos and mascots or the like.
 - p. Alcoholic beverages may not be provided as free awards or prizes to individual students or campus organizations.
 - q. Open containers are only permitted in designated areas.
 - r. 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, federal or local law.
 - s. RSOs and Greek organizations must demonstrate compliance with any additional policies and/or procedures from any national governing bodies with which they are affiliated.
 - t. The University reserves the right to prohibit alcohol being served at any function.
 - u. 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.
 - v. Student organizations hosting events at off-campus locations must provide the OSAOL with a copy of a liquor license and proof of insurance a minimum of two weeks prior to the event.
 - w. Student organization or individual group members may be subject to SU disciplinary action if found in violation of these policies.
 - x. 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.

- y. **SALISBURY UNIVERSITY ASSUMES NO RESPONSIBILITY FOR ORGANIZATION-SPONSORED EVENTS WHERE ALCOHOL IS SERVED, WHETHER ON OR OFF CAMPUS.**

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 (RSOs) 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 responsible 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.

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 quest 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.

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 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 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 purpose 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 let-

ter 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 students. 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 (APC) 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 APC. 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.
4. **Findings** - After the APC has completed its review, it shall issue a written decision based on findings of fact and conclusions, usually within three to five business 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
 - 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 APC 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 APC 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.

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 APC is final. For sanctions imposed by the APC (e.g. suspension or expulsion from the university or additional sanctions imposed by the APC 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 determined by the Academic Policies Committee for an academic integrity viola-

tion 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 of 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 back-dated.

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 email, shall constitute proper notification.
- IT-issued email accounts are the primary form of communication; therefore, students are expected to maintain and regularly check their IT-issued email accounts.
- Failure to check and/or read email will not serve as an excuse for failing to participate in or meet any deadline in a Code of Conduct matter.

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 to 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 may not deface decorative symbols or sculptures.
5. Chalked messages may not violate any University policy and/or procedure.
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 envi-

ronment. Individuals found in violation of this policy will be subject to disciplinary action under the University's Student Code of Conduct, Policies and Procedures.

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

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 Institutional Equity supports Salisbury University in its compliance and enforcement efforts by serving as an integral resource for Title IX issues. The Office of Institutional Equity partners with other SU departments and offices to assist in their Title IX compliance efforts.

The Office of Institutional Equity 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 Fair Practices Officer/Title IX Coordinator 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 Aristizábal
Associate Vice President of
Institutional Equity
Fair Practices Officer/Title IX Coordinator
Salisbury University
Holloway Hall 100
1101 Camden Avenue
Salisbury, MD 21801
410-543-6426
equity@salisbury.edu
www.salisbury.edu/equity

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 Institutional Equity 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 Fair Practices Officer/Title IX Coordinator for questions, complaints or concerns about these matters:

Humberto Aristizábal
Associate Vice President of
Institutional Equity
Fair Practices Officer/Title IX Coordinator
Salisbury University
Holloway Hall 100
1101 Camden Avenue
Salisbury, MD 21801
410-543-6426
equity@salisbury.edu
www.salisbury.edu/equity

POLICY PROHIBITING SEXUAL MISCONDUCT AND OTHER SEX AND GENDER- BASED DISCRIMINATION

[Policy effective date: December 19, 2014. This Policy replaces and supersedes all previous versions of the "Salisbury University Sexual Harassment Policy and Procedure" as applicable to sex and gender based discrimination. For all other forms of discriminatory behavior and harassment not covered under this policy see herein the Salisbury University Policy Prohibiting Sexual and Other Discriminatory Harassment.]

I. Purpose & Applicability

Salisbury University ("SU" or "University") is committed to providing a working and learning environment free from all types of sex and gender-based discrimination prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 as amended ("Title IX") and Title VII of the Civil Rights Act of 1964. SU prohibits and will not tolerate any form of sex or gender discrimination. Sexual Misconduct, which includes Dating Violence, Domestic Violence, Sexual Assault, Sexual Coercion, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, Sexual Violence, Stalking, and related Retaliation, is a form of sex discrimination prohibited by Title IX and may also constitute criminal activity.

SU endeavors to foster a climate free from any discrimination based on a person's sex or gender (hereinafter "Prohibited Sex Discrimination") through training, education, prevention programs, and through policies and procedures that promote prompt reporting, prohibit Retaliation, and promote timely, fair and impartial investigation and resolution of Prohibited Sex Discrimination cases in a manner that eliminates the Prohibited Sex Discrimination, prevents its recurrence, and addresses its effects. All SU Community mem-

bers are subject to this Policy, regardless of sex, sexual orientation, gender identity and/or gender expression. This includes all students, faculty, and staff of SU, applicants for employment and/or admission to SU, as well as third parties, agents, and contractors under SU control. This Policy applies to Prohibited Sex Discrimination in connection with any SU office or regional center education programs or activities, including, but not limited to, Prohibited Sex Discrimination : (1) in any SU facility or on any SU property or location under SU control; (2) in connection with any SU sponsored, recognized or approved program, visit or activity, regardless of location; (3) that impedes equal access to any SU education program or activity or adversely impacts the employment of a member of the SU Community; or (4) that otherwise threatens the health or safety of anyone, including, but not limited to, members of the SU Community. Nothing in this Policy is intended to supersede or conflict with any state or federal compliance obligations.

Retaliation for participating in any way in any Prohibited Sex Discrimination matter is also a form of sex or gender-based discrimination prohibited by this Policy. Any retaliatory action or interference with any person participating in any stage of the process, including, but not limited to, reporting, investigating, resolution and appeal, is strictly prohibited and will be subject to appropriate disciplinary action. Likewise, this Policy shall not be used to bring baseless, frivolous or malicious complaints against a member of the SU Community and disciplinary action may also be taken against any person who files a complaint under this Policy in bad faith or without justification.

The University fully supports the principles of academic freedom and is committed to protecting the free expression of ideas, teaching methods and course content in the academic setting. At the same time, faculty members may not engage in classroom behavior that constitutes Prohibited Sex Discrimination. Academic freedom protects the use of, and is defined as, in part, verbal or visual environmental factors that are germane to the course material and not directed at any individual in the University Community, and is not prohibited. This may include, but is not limited to, reading and discussing a piece of literature depicting scenes of a graphic sexual nature, discussing social issues involving sexuality or sexual conduct, even if such discussion includes graphic refer-

ences or visual aids, or frank and graphic discussion of the biology of human sexuality.

II. Definitions

For purposes of this Policy, the following definitions apply:

A. Complainant means (1) the person who initiated the filing of a report of Prohibited Sex Discrimination or (2) an individual who reportedly experienced Prohibited Sex Discrimination, regardless of whether that individual participates in the disclosure or review of that report by the University at any point.

B. Consent means a knowing, voluntary, and affirmatively communicated willingness to mutually participate in a particular sexual activity or behavior. Consent can only be given by a person with the ability or capacity to exercise free will and make a rational and reasonable judgment. Consent may be expressed either by affirmative words or actions, as long as those words or actions create a mutually understandable permission regarding the conditions of sexual activity. Consent may be withdrawn at any time. Consent cannot be obtained by force, threat, coercion, fraud, manipulation, reasonable fear of injury, intimidation or through the use of one's mental or physical helplessness or Incapacity. Consent cannot be implied based on the mere fact of a previous consensual dating or sexual relationship. Consent to engage in sexual activity with one person does not imply Consent to engage in sexual activity with another.

Examples of what does not constitute Consent include, but are not limited to, the following:

1. Silence or lack of protest or resistance is not, in and of itself, Consent. Inferring Consent from solely silence or non-verbal communication is risky and can lead to a finding of Sexual Misconduct.
2. Previous sexual activity with a person does not imply Consent for future sexual acts with that person or any other person.
3. Consent to one form of sexual activity cannot automatically imply Consent to other forms of sexual activity.
4. Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether

there is Consent or whether prior Consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.

5. Consent cannot be obtained by use of physical force, threats, intimidating behavior or coercion.
6. If you have sex with someone you know is Incapacitated, or you should know is Incapacitated, you do not have Consent. The relevant standard is whether a reasonable person in the same position should have known that the other party was Incapacitated and, therefore, unable to Consent. A person who is not of legal age is Incapacitated. Incapacitation may also result from other factors, including, but not limited to, (a) sleep or unconsciousness, (b) temporary or permanent mental or physical disability, (c) involuntary physical restraint, and/or (d) the influence of alcohol, drugs or medication, including, but not limited to, Rohypnol, Ketamine, GHB, Burundanga, and other substances used to facilitate "date-rape" or any Sexual Misconduct.

C. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

D. Domestic Violence means violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by applicable state or federal domestic or family violence laws.

E. Good Faith Requirement. Allegations of Prohibited Sex Discrimination are very serious and could cause great harm. This Policy shall not be used to bring baseless, frivolous or malicious complaints against a member of the SU Community. Disciplinary action may

be taken against any person who files a complaint or reports Prohibited Sex Discrimination under this Policy in bad faith or without justification.

F. Incapacitation. An individual who is Incapacitated is unable to give Consent to sexual contact. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the prime causes of Incapacitation. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore, unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

1. Making decisions about the potential consequences of sexual contact;
2. Appraising the nature of one's own conduct;
3. Communicating Consent to sexual contact; or
4. Communicating unwillingness to engage in sexual contact.

G. Interim Measures means reasonably available steps SU may take to protect the parties while a Prohibited Sex Discrimination investigation is pending. Interim protective action may include, but is not limited to, changing academic or living arrangements for students, changing office responsibilities or location for employees, and prohibiting contact among the parties and others pending resolution.

H. Respondent means an individual who has been accused of Prohibited Sex Discrimination.

I. Responsible Employee includes any employee who (1) has the authority to take action regarding Prohibited Sex Discrimination; (2) is an employee who has been given the duty of reporting Prohibited Sex Discrimination; or (3) is someone another individual could reasonably believe has that authority or duty. At SU, Responsible Employees include the Title

IX Coordinator, all Title IX Team Members, all institution administrators, all non-confidential employees in their supervisory roles, all faculty members (including adjunct faculty), all teaching assistants, all athletic coaches, all institutional law enforcement, all resident assistants, all resident directors, all area directors and all other non-confidential first responders. Responsible Employees must report allegations of Prohibited Sex Discrimination to the University's Title IX Coordinator within twenty-four (24) hours of receiving such information. If you report an instance of Prohibited Sex Discrimination to a Responsible Employee, you cannot be guaranteed confidentiality or anonymity, although the Responsible Employee will make reasonable efforts to disclose information on a need-to-know basis only. Responsible Employees are required to complete the form "Salisbury University Sex Discrimination Complaint Form," attached as Appendix A. A Responsible Employee's failure to comply with this portion of the Policy may result in disciplinary action. Any disciplinary action will be consistent with any other procedures or protections that individuals may be subject to on the basis of their employment and/or student status. The possible sanctions include, but are not limited to, a letter of reprimand, counseling, retraining, demotion, suspension, or termination of employment. These sanctions may be imposed even after a first offense, under appropriate circumstances.

J. Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law, SU or USM Policy relating to Prohibited Sex Discrimination, or because an individual has made a report, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to Prohibited Sex Discrimination. Retaliation includes retaliatory harassment. After an investigation is conducted, if any act of reprisal, including interference, coercion, restraint, or adverse academic or employment action, or any other action that harms another by a SU employee, student, or by someone acting on behalf of SU, is found to be Retaliation, it will constitute a violation of this Policy and will result in appropriate disciplinary action.

- K.** SU Community is broadly defined to include all SU administrators, faculty, staff, students, alumni, volunteers, and some third parties under SU control.
- L. Sexual Assault**
- 1. Sexual Assault I. – Non-Consensual Sexual Intercourse.** Any act of sexual intercourse with another individual without Consent. Sexual intercourse includes vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth to genital contact. This includes, but is not limited to, penetration of a bodily opening without Consent through the use of coercion.
 - 2. Sexual Assault II. – Non-Consensual Sexual Contact.** Any intentional sexual touching with any object or body part, including, but not limited to, touching the intimate parts of another person, touching another with one's intimate parts, causing another to touch one's intimate parts, or disrobing or exposure of another without Consent. Intimate parts may include genitalia, groin, breast, or buttocks, or clothing covering them, or any other body part that is touched in a sexual manner. Sexual Assault II also includes attempted sexual intercourse.
- M. Sexual Coercion** means an act of using unreasonable pressure in an effort to obtain Consent for sexual activity. Coercion arises after the victim clearly communicates verbally or non-verbally the intent to stop or refrain from sexual activity.
- N. Sexual Exploitation** means taking non-consensual or abusive sexual advantage of another person for one's own advantage or benefit, or for the advantage or benefit of anyone other than the person being exploited. This includes, but is not limited to, utilizing any image, 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 publishing, recreating, or reproducing images of a sexual act without the knowledge or Consent of the parties involved; voyeurism; inducing Incapacitation for the purpose of having sex with the Incapacitated person regardless of whether or not sexual activity actually takes place; knowing transmission of HIV or a sexually-transmitted infection; and prostitution.
- O. Sexual Harassment** is any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature generally characterized by non-consensual, unwelcome sexual behavior whether between people of the same gender or different genders or sexual orientation when: (1) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of an SU program or activity (commonly referred to as "Quid Pro Quo Sexual Harassment"); (2) submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation-related decisions affecting an individual (also Quid Pro Quo Sexual Harassment); or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently severe or pervasive to create a hostile working, academic, residential or social environment (commonly referred to as "Environmental Sexual Harassment").
- In assessing whether a particular act constitutes Sexual Harassment, the standard shall be the perspective of a reasonable person within the SU Community. The rules of common sense and reason shall prevail. Allegations of Sexual Harassment shall be judged with attention to the facts particular to the case and the context in which the alleged incident(s) occurred. The behavior does not need to be directed at or to a specific person, but may be generalized unwelcome comments of a sexual nature based on sex or gender stereotypes. Harassment can occur between equals (e.g., student to student, staff to staff, faculty member to faculty member) or between persons of unequal power status (e.g., supervisor to subordinate, faculty member to student, coach to student athlete, graduate student to undergraduate student, student leader to first-year student). Although most often committed by persons perceived to be with greater power against those who appear to have less power, it can also be committed by a person perceived to be with less power (e.g., student harassing a faculty member). It can be committed by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- 1. Examples of "Quid Pro Quo" Sexual Harassment**

- a. Unwelcome requests or demands for sexual favors accompanied by implied or overt threats or promised rewards, e.g., grades, references or awards (for students) or assignments, promotions, discipline (for employees).
- 2. Examples of “Hostile Environment” Sexual Harassment
 - a. Severe or Pervasive
 - i. Unwanted harassment through public or private insult, sexually suggestive comments concerning a person's body or behavior, and sexual demands.
 - ii. Undue and unwanted remarks about another person's clothing, body, sexual activities, sexual preferences, or sexual orientation; unwelcome flirting, teasing, jokes, or gestures that are sexual in nature.
 - iii. Unwanted touching, kissing, pinching, patting or brushing another's body or clothing.
 - iv. Touching, kissing, pinching, patting, or indecent exposure of one's own private body parts.
 - v. Unwanted communications of a sexual nature in any form, over any medium, and in any media.
 - vi. Repetition of unwanted invitations for dates.

This list is merely illustrative and is not an exhaustive list of examples.

- P. Sexual Intimidation means (1) threatening to sexually assault another person; (2) sex or gender-based Stalking, including cyber-Stalking; or (3) engaging in indecent exposure.
- Q. Sexual Misconduct is an umbrella term that includes Dating Violence, Domestic Violence, Sexual Assault, Sexual Coercion, Sexual Exploitation, Sexual Harassment, Sexual Intimidation, Sexual Violence, Stalking, and related Retaliation.
- R. Sexual Violence is a form of Sexual Harassment and refers to physical sexual acts perpetrated without Consent. Sexual Violence includes rape, Sexual Assault, sexual battery, and Sexual Coercion. Sexual Violence, in any form, is a criminal act.
- S. Stalking means engaging in a sex or gender-based course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional dis-

stress. While Stalking in any form may constitute a violation of University policies, Stalking under this Policy is limited to Stalking that is related in any way to Prohibited Sex Discrimination.

- T. Witness means anyone who has witnessed or provides factual information and/or observations regarding a Prohibited Sex Discrimination matter.

III. Title IX Policy Compliance

A. General Statement of Nondiscrimination – Sex and Gender-Based Discrimination

Title IX of the Education Amendments of 1972, as amended, prohibits SU from discriminating on the basis of sex in its education programs and activities. Inquiries concerning the application of Title IX may be referred to SU's Title IX Coordinator or the U.S. Department of Education, Office for Civil Rights, Wannamaker Building, 100 Penn Square Street East, Room 6300 Suite 515, Philadelphia, Pennsylvania 191047-3323; 215-656-8541; <http://www2.ed.gov/about/offices/list/ocr/index.html>.

B. Title IX Policy Compliance Oversight

The President designates the following Title IX Coordinator responsible for coordinating SU's efforts to comply with and carry out its responsibilities under Title IX and this Policy:

Humberto Aristizabal
 Title IX Coordinator, Fair Practices Officer,
 and Associate Vice President for Institutional Equity
 Office of Institutional Equity (“OIE”)
 Holloway Hall Suite 100
 410-548-3508
 hxaristizabal@salisbury.edu

The Title IX Coordinator is responsible for (1) overseeing SU's response to Prohibited Sex Discrimination reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports or complaints; (2) conducting Prohibited Sex Discrimination investigations; (3) overseeing, reviewing content, and in collaboration with other SU offices, conducting training for students, faculty and staff on Prohibited Sex Discrimination issues; (4) ensuring that appropriate policies and procedures are in place for

responding to complaints of Prohibited Sex Discrimination against students, faculty, and staff; and (5) working with local law enforcement to ensure coordinated responses to Prohibited Sex Discrimination cases.

The following individuals are designated as the Title IX Team for SU:

Team Chair:

1. Title IX Coordinator and Fair Practices Officer / Associate Vice President of Institutional Equity: Humberto Aristizabal, Holloway Hall (HH) 100, 410-548-3508, hxaristizabal@salisbury.edu

Team Members:

1. Senior Vice President of Academic Affairs and Provost: Dr. Diane Allen, Holloway Hall (HH) 245, 410-548-3374, ddallen@salisbury.edu
2. Vice President of Administration and Finance: Betty Crockett, Holloway Hall (HH) 228, 410-543-6050, bpcrockett@salisbury.edu
3. Vice President of Student Affairs: Dr. Dane Foust, Guerrieri University Center (GC) 212, 410-543-6080, drfoust@salisbury.edu
4. Vice President of Advancement and External Affairs: T. Greg Prince, Alumni House (AH) 211, 410-546-6939, tgprince@salisbury.edu
5. Associate Provost: Dr. Melanie Perreault, Holloway Hall (HH) 242, 410-548-4085, mlperreault@salisbury.edu
6. Assistant Vice President of Student Affairs/Dean of Students: Valerie Randall-Lee, Guerrieri University Center 212, 410-543-6080, vjrandall-lee@salisbury.edu
7. Associate Vice President for Human Resources: Nancy Siegert, Holloway Hall (HH) 153, 410-546-6213, nlsiegert@salisbury.edu
8. Complaint Resolution and Compliance Specialist: Jennifer Barnes, Holloway Hall (HH) 100, 410-548-4056, jlbarnes@salisbury.edu
9. Diversity and Inclusion Specialist (Interim): Helena Hill, Holloway Hall (HH) 100, 410-543-6426, hlhill@salisbury.edu
10. Fair Practices Coordinator: Abigail Ebron, Holloway Hall (HH) 100, 410-677-5311, alebron@salisbury.edu

IV. Prompt Investigation, Resolution and Notice of Outcome

Once SU knows or reasonably should know of possible Prohibited Sex Discrimination, it will take immediate and appropriate action to investigate or otherwise determine what occurred. This obligation applies to Prohibited Sex Discrimination covered by this Policy regardless of whether a parallel law enforcement or action is pending and regardless of whether a formal complaint is filed. In very limited circumstances, SU may need to delay temporarily the fact-finding portion of a Title IX investigation while the police are initially gathering evidence. If SU determines that Prohibited Sex Discrimination has occurred, it will take prompt and effective steps to eliminate the Prohibited Sex Discrimination, prevent its recurrence, and address its effects.

A. Complaints or Reports

A complaint or report alleging Prohibited Sex Discrimination may be made by a student, a member of the faculty, administration or support staff, a visitor or guest to the campus community, campus or local police, a family member, or anyone else who has reason to believe that Prohibited Sex Discrimination may have occurred. Complaints or Reports of Prohibited Sex Discrimination should be directed to the University's Title IX Coordinator:

Humberto Aristizabal
Title IX Coordinator, Fair Practices Officer
and Associate Vice President for Institutional Equity
Office of Institutional Equity
Holloway Hall Suite 100
410-548-3508
hxaristizabal@salisbury.edu

Individuals may alternatively report to any Title IX Team Member and/or Responsible Employee (as defined above), including, but not limited to, the following specific Title IX Team Members and Responsible Employees:

1. Complaints Against Students

- a. Dr. Dane Foust, Vice President of Student Affairs, Guerrieri University Center 212, 410-543-6080, drfoust@salisbury.edu
- b. Valerie Randall-Lee, Assistant Vice President of Student Affairs/Dean of Students, Guerrieri University Center 212, 410-543-6080, vjrandall-lee@salisbury.edu
- c. Ralph Chittams, Assistant Dean of

Students, Guerrieri University Center
212B, 410-543-6080,
rjchittams@salisbury.edu

2. Complaints Against Faculty

- a. Dr. Maarten Pereboom, Dean, Fulton School of Liberal Arts, 410-543-6450, mlpereboom@salisbury.edu
- b. Dr. Karen Olmstead, Dean, Henson School of Science and Technology, 410-543-6425, klolmstead@salisbury.edu
- c. Dr. Christy Weer, Dean, Perdue School of Business, 410-677-6571, chweer@salisbury.edu
- d. Dr. Cheryl Parks, Dean, Seidel School of Education and Professional Studies, 410-543-6335, caparks@salisbury.edu
- e. Dr. Beatriz Hardy, Dean, Libraries and Instructional Resources, 410-543-6133, bbhardy@salisbury.edu
- f. Dr. Clifton Griffin, Dean, Graduate Studies and Research, 410-677-0047, cpgriffin@salisbury.edu

3. Complaints Against Staff

- a. Betty Crockett, Vice President of Administration and Finance, 410-543-6050, bpcrockett@salisbury.edu
- b. Nancy Siegert, Associate Vice President for Human Resources, 410-546-6213, nlsiegert@salisbury.edu

Regardless of whether a report is filed directly with the persons named in Section IV.A, SU will investigate any report of Prohibited Sex Discrimination made to a Responsible Employee, in accordance with its applicable policies and procedures for complaints against students and non-students.

B. Time for Filing a Complaint

Complaints should be submitted as soon as possible after the alleged Prohibited Sex Discrimination occurs. While the University will investigate allegations of Prohibited Sex Discrimination regardless of the amount of time that has elapsed between the violation and the report date, SU's response may be limited if too much time has passed due to the absence of Witnesses and/or Witness inability to recall all details.

C. Adjudication

1. Allegations Against Students

Allegations against a student will be adjudicated in accordance with the procedures set forth in the University's "Discrimination and

Sexual Misconduct Grievance Procedures for Complaints Against Students," found in the SU Student Code of Conduct.

2. Allegations Against Employees

Allegations against non-student employees will be adjudicated in accordance with the procedures set forth in the University's "Salisbury University Procedures for Investigating and Adjudicating Complaints of Sexual Misconduct and Other Sex and Gender-Based Discrimination Against Non-Students."

3. Allegations Against Third Parties Not Affiliated With SU

If any individual launches allegations against someone who is not affiliated with the SU Community, the Title IX Coordinator will take reasonable steps to convey the allegation to the proper individual for investigation, and will take any available and reasonable steps at SU to address the Prohibited Sex Discrimination and limit its discriminatory effects. The matter may be referred to law enforcement with a request that a formal letter be issued to the third party denying access to SU buildings and grounds for acting in a manner that disrupts or disturbs the normal educational functions of SU. See Md. Code Annotated, Education Article, Sections 26-101 and 26-102.

4. Standard of Review

Regardless of whether a complaint is launched against a student or employee, a preponderance of the evidence standard (i.e., a finding that the Prohibited Sex Discrimination is more likely than not to have occurred) will be the standard of review in Prohibited Sex Discrimination proceedings.

D. Timeframe

1. Timeframe

In most circumstances, SU will conduct a full investigation and notify both parties of the outcome within 60 calendar days from the date a report is made to SU. This timeframe does not include the appeal process.

2. Exceptions

There may be exceptional circumstances under which SU is unable to meet the 60-day timeframe. In such cases, the University will notify the Complainant and the Respondent.

E. Notice of Outcome and Sanctions

As permitted by law, SU will notify the parties concurrently, in writing, about the outcome of the complaint and whether or not Prohibited Sex Discrimination was found to have occurred. SU will also, as it is permitted by law, concurrently inform the parties of any change to the results or outcome that occurs before the results or outcome become final, and SU will inform the parties when the results or outcome become final. See also Section V.B.5, below.

Depending on the nature and severity of the findings, sanctions may range from a formal warning up to and including suspension, permanent dismissal, expulsion, or termination from employment. Sanctioning will take into account any previous Prohibited Sex Discrimination violations.

V. Interim Measures and Resources

A. Available Interim Measures

Interim Measures are reasonably available steps SU may take to protect the parties while a Prohibited Sex Discrimination investigation is occurring. Interim Measures may be available for academic modifications, alternative housing, and alternative employment. The following Interim Measures are listed as examples that may be considered, if appropriate under the circumstances, but this list is not all inclusive:

1. Examples of Potential Interim Measures for Students

- a. Assistance in obtaining or enforcing a “No Contact” Order
- b. Moving a student to another lab/lecture section
- c. Allowing a student to take an incomplete or withdraw from a class without a penalty
- d. Moving a student to another residence hall
- e. Allowing a student to break a housing contract without penalty
- f. Providing escort services
- g. Providing counseling services
- h. Providing student health services

2. Examples of Potential Interim Measures for Employees

- a. Assistance in obtaining or enforcing a “No Contact” Order
- b. Changing a student/employee’s employment arrangements (hours, location, job placement, etc.)

- c. Allowing for authorized leave without penalty
- d. Referral to an Employee Assistance Program
- e. Providing escort services

3. How to Request Interim Measures

Contact OIE with any requests for Interim Measures. OIE is responsible for ensuring that appropriate policies and procedures are in place for responding to allegations of violations of this Policy, which includes coordinating the implementation of reasonable and appropriate Interim Measures in consultation with appropriate SU offices.

B. Non-Confidential Resources, Confidential Resources, Confidentiality and Advisers

Generally, it is not confidential when a person reports Prohibited Sex Discrimination. If an individual desires to keep an incident of Prohibited Sex Discrimination confidential, they should speak with individuals who have professional or legal obligations to keep communications confidential. When seeking advice and support, individuals should always consider whether they want to discuss their concerns with a Confidential or Non-Confidential Resource. The Parties to a Prohibited Sex Discrimination matter are provided with the full OIE Resource Document List, also available at the following link: www.salisbury.edu/equity/library/docs/OIE%20Resource%20Document%20List.pdf. OIE is also available to assist in identifying resources.

1. Non-Confidential SU Resources

a. OIE & The Title IX Team

The SU OIE supports and advances SU’s commitment to create an inclusive environment free of discrimination and supportive of all by leading campus efforts to manage all aspects of the Fair Practices/AA programs, as well as Title IX and Policy compliance, and weaving the diversity strategy throughout our campus. www.salisbury.edu/equity

b. Salisbury University Police Department (SUPD) & Reporting a Crime

Some forms of discrimination on the basis of sex or gender, for example, all forms of Sexual Violence, may constitute a crime. SU will assist any individual who wishes to report criminal conduct related to this Policy to law enforcement authorities, including campus police. Representatives of the OIE, Office of Student Affairs, and other Responsible Employees may

assist students in reporting to Salisbury University Police (SUPD), SU's campus police department. SUPD will also assist Complainants in notifying other law enforcement authorities in other jurisdictions, as appropriate. To report to the SUPD, please call 410-543-6222.

Because the standards for a violation of criminal law are different from the standards for a violation of this Policy, criminal investigations and proceedings are not determinative of whether a violation of this Policy has occurred. In other words, conduct may violate this Policy even if law enforcement agencies or local prosecutors decline to prosecute. Complaints under this Policy and related internal SU processes may occur prior to, concurrent with, or following criminal proceedings off campus.

Upon receipt of a report under this Policy that may constitute a crime, SUPD will advise the student that, in addition to making a criminal report, they also have the right to file a complaint with the University and engage the University's investigation and adjudicative processes under this Policy. In addition, as Responsible University Employees under this Policy, campus police who receive any type of report of Prohibited Sex Discrimination, whether it rises to the level of a crime or not, shall promptly notify the Title IX Officer at equity@salisbury.edu.

c. Responsible Employees
(Non-Confidential Employees)

All Responsible Employees can assist individuals to report Policy violations to the University. If you report an instance of Prohibited Sex Discrimination to a Responsible Employee, you cannot be guaranteed confidentiality or anonymity. Responsible Employees are required to report knowledge of Policy violations to the Title IX Coordinator. For a list of SU's Responsible Employees and their duties, see Definition of Responsible Employees above.

d. Escort Service

An escort service is provided by the SUPD for anyone who feels uncomfortable walking alone on campus or to nearby off campus locations during the hours of darkness. www.salisbury.edu/police/Crime_Prevention/escorts.htm

e. SafeRide

As a Registered Student Organization, SafeRide provides free and safe transportation to SU students to prevent tragedy for students

and the surrounding community that can often be associated with seeking unsafe means of getting home. www.saferidesu.org

2. Confidential Resources

An individual can speak confidentially with certain persons in legally protected roles or in SU designated confidential roles. Notification to Confidential Resources below does not constitute notification to the University. With the exception of on-campus professional counselors whose official responsibilities include providing mental-health counseling to members of the SU Community, on-campus Confidential Resources listed below may still be required to report incidents of Prohibited Sex Discrimination to SU in a general way (nature, date, time and general location) for reporting or statistical purposes. In addition, all Confidential Resources may need to breach confidentiality if there is an imminent threat to health or safety or other basis for disclosure, such as child abuse.

a. On-Campus Confidential Resources

- i. Salisbury University Counseling Center**
Guerrieri University Center
Room 263
410-543-6070
counseling@salisbury.edu
- ii. Salisbury University Student Health Services**
Holloway Hall
Room 180
410-543-6262
StudentHealth@salisbury.edu
- iii. Salisbury University Campus Against Violence Program Coordinator**
Guerrieri University Center
Room 263
410-543-6070
counseling@salisbury.edu

b. Off-Campus Confidential Resources

Individuals may also seek assistance from off-campus Confidential Resources, and they should inquire about the parameters of confidentiality prior to disclosing any information that the individual desires to keep confidential.

i. Employee Assistance Program (EAP) – USM

The University System of Maryland has contracted with Inova Employee Assistance (IEA) to offer a wide variety of work/life services through both phone-based and web-based services. Employee Assistance Programs have often been known for the traditional

counseling and consultation resources. IEA offers the traditional services, but the services have been expanded to provide nontraditional services such as financial, legal, child care, education, identity theft, and pet services. All services are private and confidential, and there is no cost associated with the services.

To access the information online, go to Employee Assistance Program (EAP). Click Member Login, and then enter the following username and password:

Username: Salisbury

Password: Seagulls

ii. Employee Assistance Program (EAP) – State of Maryland

The EAP provides confidential and professional assessment and referral services to State employees who are experiencing personal/medical problems affecting their work performance. To access the information online, go to State of Maryland Employee Assistance Program (EAP).

iii. Life Crisis Center

Services are available at no charge to all individuals who are victims of Domestic Violence, rape, Sexual Assault, and child abuse. The toll free hotline operates 24/7 for anyone in the community needing crisis assistance or referral information.

P.O. Box 387

Salisbury, MD 21803-0387

410-749-HELP

www.life Crisis Center.org/

3. Requests for Confidentiality

The Title IX Coordinator works collaboratively with a reporting individual to establish the appropriate parameters of confidentiality in each case, always making every effort to operate with discretion and maintain the privacy of the individuals involved. If the Complainant asks that the Title IX Coordinator keep the matter confidential, the Title IX Coordinator will carefully evaluate that request by balancing the Complainant's wish for privacy against the safety and welfare of the SU Community. While the University is committed to protecting the privacy of Complainants and victims of Sexual Misconduct, information may be shared on a need-to-know basis in appropriate instances, for example, where there is a need to preserve the health and safety of the victim and/or other members of the University community. When

health and safety is implicated, or where otherwise appropriate or required by law or Policy, the University may proceed with an investigation despite the Complainant's desire to keep the matter confidential. In instances in which SU is able to honor the Complainant's request for confidentiality, the University may be limited in how it can address and remedy the situation.

4. Adviser

Parties to a matter involving an allegation of Policy violation are entitled to an Adviser of their choice, which means any person who has been chosen by a Complainant or Respondent and who has agreed to provide advice, review documents, and generally provide moral support, at their own expense. Advisers may accompany advisees to any interviews or hearings that result from this Policy. Advisers are bound by the same confidentiality requirements applicable to the parties, are not permitted to speak on behalf of their advisees, and are not to represent themselves as speaking on behalf of the University with respect to the matter on which they are advising. Any individual acting as an Adviser under this Policy who violates confidentiality is in violation of this Policy and subject to disciplinary action up to and including, but not limited to, being barred from acting as an Adviser in future complaints or termination of employment, depending on severity. It is important, when one chooses an Adviser, to ask for the individual's consent to serve in this capacity before divulging any confidential information. Notice of the identity of any Adviser and their expected appearance must be given to the OIE at least 24 hours prior to any meeting or proceeding that an Adviser will attend.

5. FERPA

The Family Education Rights and Privacy Act ("FERPA") is a federal privacy law that concerns student Education Records. Student conduct records, including student conduct records that are maintained in the course of a Prohibited Sex Discrimination proceeding, are Education Records under FERPA. FERPA has various implications in Prohibited Sex Discrimination hearings. Generally, FERPA prohibits disclosure of student conduct records, absent a student's consent. However, there are a number of exceptions that may subject student conduct records to disclosure in the course of or in the aftermath of a Prohibited Sex Discrimination investigation:

a. Disclosure to Victim in Crime of Violence or Non-Forcible Sex Offense

FERPA permits disclosure of the outcome of a student conduct investigation to the victim of a crime of violence or non-forcible sex offense. Where the alleged Prohibited Sex Discrimination relates to a crime of violence or a non-forcible sex offense, SU will disclose the outcome of the hearing and any sanctions to the victim, regardless of whether or not the behavior was found to have violated SU's Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination.

b. Disclosure to Others of Crime of Violence or Non-Forcible Sex Offense

FERPA permits disclosure of the outcome of a student conduct investigation to anyone if (1) the alleged Prohibited Sex Discrimination relates to a crime of violence or non-forcible sex offense; (2) the Respondent was found to have violated this Policy; (3) the alleged instance of Prohibited Sex Discrimination occurred after October 7, 1998; and (4) the names of non-party students, such as Witnesses, have been redacted.

c. Transfer Students

FERPA permits disclosure of a student's Education Records to officials of another institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

d. Disclosure Where University Is a Party in Litigation

FERPA permits disclosure of Education Records when a student initiates legal action against the University and the Education Records are relevant to the University's defense.

e. Subpoenas and Court Orders

FERPA permits disclosure of Education Records when the party seeking disclosure presents a lawfully issued subpoena or court order. Student conduct records are discoverable in criminal and civil litigation and must be disclosed in their entirety pursuant to a lawfully issued subpoena or court order.

f. FERPA Right to Inspect and Review

FERPA also vests students with a limited right to inspect and review their own Education Records. Any document or recording maintained in a student conduct proceeding that is directly related to a student is an Education

Record, subject to inspection and review upon request. Practically speaking, if you are a student party or Witness, and you give any written or recorded statement in the Prohibited Sex Discrimination proceeding, your statement will be made available, to the extent required by law, and to the extent that it relates to any student who invokes his or her right to inspect and review his/her Education Records.

VI. Steps to Take Following an Act of Sexual Violence

A. Stay Warm

Persons who experience Sexual Violence may be in a state of shock. It is important to stay warm by wrapping up in a blanket or coat. This will help recovery from shock and make it less likely that physical evidence is disturbed.

B. Get to a Safe Place and Seek Emotional Support

If you are in physical danger or in need of immediate medical attention, call 911. When you get to a safe place, talking with a trusted friend or relative or someone who is professionally trained to deal with Sexual Violence, such as a confidential mental health professional of the University, can help you make decisions about what to do. Whether you decide to go to law enforcement or not, it is important to take care of your own emotional needs. Professional counseling may be beneficial.

C. Preserve Evidence

If possible, consider taking steps to preserve physical evidence - on the body and at the location of an assault. It is important not to shower or bathe, eat or drink, brush teeth or gargle, change clothes, urinate or defecate, brush or comb hair, or smoke. Clothing worn at the time of an assault should not be washed but placed in a paper bag "as is" and brought to the hospital. In order to avoid forgetting important details, write down the facts about the accused and the assault.

D. Seek Medical Attention

It is important to seek medical attention as soon as possible. A medical examination will ensure appropriate medical treatment, including testing for pregnancy or sexually transmitted infections. You may also want to obtain a

Sexual Assault Forensic Exam (SAFE). A SAFE exam allows for the collection of evidence and can ensure any physical evidence is preserved in the event of a report to law enforcement. A SAFE exam may be obtained within 120 hours after an assault at:

Peninsula Regional Medical Center
100 E Carroll St, Salisbury, MD 21801
410-546-6400

VII. Medical Amnesty Policy for Students

The use of alcohol or drugs will never function as a defense for committing any violation of this Policy. However, SU recognizes that a student who is under the influence of alcohol and/or drugs at the time of an incident may be hesitant to report a Policy violation because of the threat of disciplinary sanctions for his or her own violation of SU Code of Conduct policies relating to alcohol or drug use. Therefore, the SU Medical Amnesty Policy may apply where a student summoning medical assistance or requiring help in a matter covered by this Policy is under the influence of alcohol and/or drugs. The Medical Amnesty Policy, located in the Code of Conduct, is a policy administered by the Office of Student Conduct that will reduce barriers to seeking help in cases of alcohol and/or drug-related emergencies by providing relief from administrative or disciplinary action on the part of the University under certain circumstances if either a University official or other authority is contacted in a timely fashion. www.salisbury.edu/studentconduct/docs/codeofconduct/14-15/Code_Conduct_2014_15.pdf

VIII. Consensual Relationships and Professional Conduct

In its commitment to foster an educational or work environment free from all forms of harassment and discriminatory behavior, SU strongly discourages any romantic or sexual relationships between faculty and student, supervisor and subordinate employee, and any other relationship where a power differential exists between the parties. Even if consensual, these relationships are always a cause for concern including, but not limited to, the following:

A. They may involve one person's exerting power over another;

- B.** Conflict of interest issues may arise in evaluating a student or employee;
- C.** There is a strong potential for Retaliation when a relationship ends;
- D.** A third party may allege favoritism; and/or
- E.** They undermine the professional interaction upon which faculty-student and supervisor-subordinate relationships should be based.

In particular, consensual sexual or romantic relationships that occur in the context of educational or employment supervision and evaluation may present potential conflicts of interest. Relationships in which one party maintains a supervisory or evaluative responsibility over the other also reflect an imbalance of power, leading to doubt as to whether such relationships are truly consensual.

Because of the potential conflicts of interest, persons involved in consensual sexual or romantic relationships with anyone over whom they have supervisory and/or evaluative responsibilities must inform their supervisor(s) of the relationship(s). Supervisory or evaluative responsibilities may be reassigned, as appropriate. While no relationships are expressly prohibited by this Policy, failure to self-report such relationships in a timely manner, as required by this Policy, may result in disciplinary action.

IX. Training Programs, Educational Initiatives and Cooperative Efforts

Creating an environment free of Prohibited Sex Discrimination is the responsibility of all members of the University community. In addition to the investigation and adjudicative procedures at SU, SU is committed to fostering a campus climate that is free from Prohibited Sex Discrimination through education and prevention programs.

A. Training and Education

1. Prevention and Awareness Education

SU shall develop and implement preventive education, directed toward both employees and students, to help reduce the occurrence of Policy violations, including, but not limited to, Sexual Misconduct. At a minimum, Sexual Misconduct educational initiatives must contain

information regarding what constitutes Sexual Misconduct, definitions of Consent and prohibited conduct, the institution's procedures, bystander intervention, risk reduction, and the consequences of engaging in Sexual Misconduct. Sexual Misconduct educational initiatives shall be for all incoming students and new employees. SU must also develop ongoing prevention and awareness campaigns for all students and employees addressing, at a minimum, the same information regarding Sexual Misconduct.

2. Training for Persons Involved in Sexual Misconduct Cases

All persons involved in any way in responding to, investigating, or adjudicating Sexual Misconduct reports, including, but not limited to, the Title IX Team, Responsible Employees, law enforcement, counselors, health professionals, resident assistants, and Complainant advocates, must have annual training in receiving, reporting and handling complaints of Sexual Misconduct; must be familiar with the institution's procedures; and must understand the parameters of confidentiality.

3. Campus Against Violence Program

The Campus Against Violence (CAV) Program represents SU's commitment to ending Sexual Violence in all its forms and providing students with knowledge and skills that will serve them throughout their lives. The CAV program coordinates peer education, counseling services for affected students, skills training, and public awareness campaigns. The CAV program works in collaboration with faculty, staff, and students to create a community that is actively engaged in the prevention of Sexual Violence.

a. CAV Publications

Publications providing information about Sexual Misconduct are distributed each semester. You can also obtain a copy of these publications from the Campus Against Violence Program, which is located in Room 263 of the Guerrieri University Center. The pamphlets are also published electronically at www.salisbury.edu/counseling.

b. CAV Activities

Throughout the year, the CAV Program hosts campus-wide events and programs related to Domestic Violence Awareness Month (October), Stalking Awareness Month (January), and Sexual Assault Awareness Month (April).

4. Community Trainings

The Life Crisis Center, which is not affiliated with SU, offers various trainings, including Trauma 101 Training, Darkness to Light Training, ASIST Training, Resident Life Training, Abuser Intervention, and others. More information about their educational programs can be obtained from their website at www.lifecrisiscenter.org/#services/c21kz.

B. MOU with Local Law Enforcement

SU will, as necessary, enter into and review any Memoranda of Understanding ("MOU") with local police forces to ensure that the terms of any MOU allow SU to meet its legal obligations.

X. Record Keeping

A. Sexual Misconduct Proceedings

The University will maintain a written summary of the findings. The findings will summarize the evidence presented and the findings, including the reasons for the finding and the sanction if the Respondent is found in violation.

B. Training Programs

The University will maintain records of trainings, to include a list of trainees, dates of training, and training content.

C. Retention

All records shall be kept in accordance with Salisbury University's Records Retention Schedule.

XI. External Reporting Options and Obligations

The Fair Practices Officer ("FPO") shall ensure that each Complainant is informed of his/her right to file the complaint with the appropriate State and Federal agencies. In the event a Complainant files an external complaint with a State or Federal agency, the Complainant is responsible for contacting that agency to determine and comply with any filing requirements or time limitations.

A. Criminal Reporting

Because Sexual Misconduct may constitute both a violation of SU policy and a crime, SU encourages persons to report incidents of Sexual Misconduct to the campus police or

other appropriate law enforcement agencies. SU will comply with its legal and policy obligations to report criminal Sexual Misconduct and child abuse and neglect. See Board of Regents Policy on the Reporting of Suspected Child Abuse and Neglect, V-1.50.

B. Clery Act

SU will continue to report instances of Sexual Misconduct in accordance with the Crime Awareness and Campus Security Act of 1990 ("Clery Act") and its amendments.

C. Employees

Employees who wish to file a formal complaint with an external agency may contact any of the following offices:

1. The Equal Employment Opportunity Commission (EEOC), 131 M Street, N.E., Washington, DC 20507; 202-663-4900; TTY 202-663-4494; www.eeoc.gov
2. The Equal Employment Opportunity Commission (EEOC), 10 S. Howard Street, Third Floor, Baltimore, Maryland 21201; 800-669-4000; TTY 8000-669-6820 www.eeoc.gov
3. Maryland Commission on Human Relations, 20 East Franklin St. Paul's Street, Baltimore, Maryland 21202 800-637-6247; TTY 410-333-1737; www.mchr.state.md.us
4. United States Department of Education, Office for Civil Rights, Wannamaker Building, 100 Penn Square Street East, Room 6300 Suite 515, Philadelphia, Pennsylvania 191047-3323; 215-656-8541; <http://www2.ed.gov/about/offices/list/ocr/index.html>

D. Students

Students who wish to file a formal complaint with an external agency may contact the United States Department of Education, Office for Civil Rights, Wannamaker Building, 100 Penn Square Street East, Room 6300 Suite 515, Philadelphia, Pennsylvania 191047-3323; 215-656-8541; <http://www2.ed.gov/about/offices/list/ocr/index.html>

E. Related Policies

1. USM Non-Discrimination Policy VI-1.05
2. USM Policy on Violence and Extremism VI-1.10
3. USM Policy on the Reporting of Suspected Child Abuse and Neglect VI-1.50

4. USM Policy on Sexual Misconduct VI- 1.60.
5. SU Code of Conduct and Employee Manuals
6. Employee Policies and Procedures
7. Discrimination and Sexual Misconduct Grievance Procedures for Complaints Against Students
8. Salisbury University Procedures for Investigating and Adjudicating Complaints of Sexual Misconduct and Other Sex and Gender-Based Discrimination Against Non-Students

DISCRIMINATION

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

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

POLICY PROHIBITING SEXUAL AND OTHER DISCRIMINATORY HARASSMENT

[This policy is applicable to all discrimination and harassment not covered under the December 19, 2014 Salisbury University Policy Prohibiting Sexual Misconduct and Other Sex and Gender-Based Discrimination. To the extent of any conflict, the December 19, 2014 Policy takes precedent.]

Salisbury University encourages an atmosphere of physical, psychological, and social wellbeing which offers all members of the University community an environment that provides opportunities to work, learn and develop with the human dignity that caring individuals bestow on one another. As a result, intimidation and harassment of any kind and, specifically, harassment motivated by gender, race, religion, national origin, sexual orientation, age, or disability are expressly prohibited. Discriminatory harassment of all types is serious. When it occurs between faculty and students or between supervisors and subordinates, it exploits the unequal power structure inherent in these relationships. When it occurs between students or co-workers, it may create an intimidating or hostile environment in which to learn or work. It is unacceptable conduct and will not be tolerated by the University.

Salisbury University defines sexual harassment to include unwelcome sexual attention, unwelcome requests for sexual favors and other verbal or physical behavior of a sexual nature when

- submission to the conduct is either explicitly or implicitly a term or condition of an individual's academic or work program; and
- submission to or rejection of the conduct by an individual is used as the basis for academic or work decisions affecting that person.

In addition, sexual and other discriminatory harassment can include conduct that unreasonably limits an individual's ability to fully participate in work or school, interferes with work or academic performance, or creates a hostile, offensive, or intimidating work or academic environment and has no legitimate relationship to

the subject matter of the course or the demands of the workplace.

Some examples of behaviors that could be perceived as harassing include, but are not limited to, graphic comments, offensive e-mail transmissions, and offensive or suggestive graphics visible on public display or on the Internet. In addition, sexual harassment can include the display of sexually graphic objects and persistent and unwelcome sexual advances.

Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum. This policy shall not be construed so as to abridge the right to academic freedom that is consistent with the University's mission and federal and state law.

Sexual and other discriminatory harassment violate Salisbury University policy and may violate federal and state civil or criminal law. Persons who feel that they may have been subject to harassment based on their protected status should immediately seek assistance and report their concerns using the Salisbury University Procedures for Pursuing Complaints of Sexual or Other Discriminatory Harassment. Retaliation against a person who makes a complaint of harassment prohibited by this Policy or is a witness in a harassment investigation is also expressly prohibited by this Policy.

In addition, due to the potential for serious harm to innocent persons, the filing of a known untruthful complaint of harassment is also expressly prohibited. The failure to prove to the Fair Practices Officer or the hearing committee that discriminatory harassment has occurred is not, by itself, evidence that a knowingly untruthful complaint has been made.

Consensual Romantic or Sexual Relationships

In its commitment to foster an educational or work environment free from all forms of harassment and discriminatory behavior, Salisbury University strongly discourages any romantic or sexual relationships between faculty and student, supervisor and subordinate employee, and any other relationship where a power differential exists between the parties. Even if consensual, these relationships are always a cause for concern because:

- a. they may involve one person's exerting power over another;

- b. conflict of interest issues may arise in evaluating a student or employee;
- c. there is a strong potential for retaliation when a relationship ends;
- d. a third party may allege favoritism; and
- e. they undermine the professional interaction upon which faculty-student and supervisor – subordinate relationships should be based.

When such a relationship ends, there is a risk that one of the parties will retaliate for the break-up and/or that a claim of sexual harassment will be made. Retaliatory acts themselves may constitute sexual harassment prohibited by University policy. The University's Administration warns that a sexual harassment claim in the context of a failed consensual relationship could be difficult to defend.

Persons who need more information about this Policy or who desire to pursue a complaint under this Policy should contact the SU Fair Practices Officer, located in Room 233 of Holloway Hall.

Persons found to be in violation of this Policy may be subject to disciplinary action and/or other appropriate sanctions.

PROCEDURES FOR PURSUING COMPLAINTS OF SEXUAL OR OTHER DISCRIMINATORY HARASSMENT

Informal Complaint Procedure

Some discriminatory harassment complaints may initially be handled more appropriately by informal procedures. Students, exempt, nonexempt and contingent employees, and faculty should feel free to raise a concern about discriminatory harassment to any person in a position to advise them and with whom they feel comfortable. For example, these persons could include a faculty advisor, dean, department chair or director, the Director of Human Resources, the Fair Practices Officer, the Provost, or another University administrator. The Complainant and the recipient of the complaint should work together to decide additional steps necessary to resolve the complaint, and in many instances, they may conclude that no additional action need be taken. In all instances, however, the Fair Practices Officer, located in Room 233 of Holloway Hall, should, at a minimum, be advised of the existence and the resolution of the complaint and, similarly, should

advise the Director of Human Resources. In some cases, it may be necessary to refer the complaint formally to the University for resolution even if the Complainant would prefer that this not occur. All reasonable efforts will be made to resolve the matter to everyone's satisfaction.

All persons involved should treat such complaints of harassment as confidential unless the law requires otherwise.

Formal Complaint Procedures

A. Filing a Complaint

A person wishing to initiate a formal claim of discriminatory harassment or other behavior in violation of the Sexual and Other Discriminatory Harassment Policy shall file his or her complaint in writing with the Fair Practices Officer within six months of the conduct at issue. The Fair Practices Officer is located in Holloway Hall. The complaint shall be signed by the Complainant, and shall include the following information: a description of the allegations, with relevant dates, places, and statements made; the names of the person(s) involved; the names of any witnesses to the events in question; and the remedy requested. The Respondent, the person accused in the Complaint, shall be given a copy of the Complaint promptly by the Fair Practices Officer and shall submit a written response to the Fair Practices Officer within ten (10) days of receiving the Complaint. The Director of Human Resources also shall be advised of the existence of the complaint by the Fair Practices Officer. Upon receipt of the written Complaint, the Fair Practices Officer shall begin an investigation into the claims. The investigation ordinarily will include a discussion with the Complainant, a discussion with the Respondent, interviews of any witnesses to the events, a review of any pertinent documents, and any other actions deemed appropriate by the investigator. The Fair Practices Officer shall make every effort to keep the investigation confidential, although this cannot be guaranteed, and shall seek assurances of confidentiality from all participants in the investigation. If feasible, no interviews with witnesses will be conducted before the interviews with the Complainant and Respondent are completed.

The Fair Practices Officer shall complete the investigation if possible within fifteen (15) days of receiving the Complaint. A written decision

shall be prepared at the conclusion of the investigation, setting forth (1) a statement of the findings of fact concerning the alleged events; (2) a statement of the conclusion that a violation of University policy did or did not occur; and (3) a recommendation of a sanction. The possible sanctions include, but are not limited to, a letter of reprimand, a letter of apology, service to the University, counseling, demotion or suspension, termination of employment, or expulsion from the University. These sanctions may be imposed even after a first offense, under appropriate circumstances. This written decision shall be provided to the Complainant, Respondent and President when it is finalized.

B. Formal Hearing

If either the Complainant or Respondent disagrees with any conclusion reached by the

Fair Practices Officer, either may request a formal hearing by filing a written request with the President of the University within fifteen (15) days of the date of the written decision of the Fair Practices Officer. The request shall state which conclusions are disputed.

The President then shall promptly appoint a Hearing Committee of three persons, and one of these shall be designated by the President as the Presiding Officer. The committee members shall be chosen from the Discriminatory Harassment Panel, a group of six persons from the campus community who have received training in sexual and other forms of discriminatory harassment policy, law and procedures. No member of the Committee shall have been involved at any earlier stage of the process. The President shall advise the parties of the identities of the committee members. If either party has a reason to challenge the appointment of any member to the Committee hearing the case, he or she shall make the concern known to the President as soon as possible. The President shall make the final decision on the makeup of the Committee.

A hearing shall promptly be conducted. The Presiding Officer shall be in charge of organizing the hearing. He or she shall make all reasonable efforts to schedule the hearing at such time so that the Complainant and the Respondent can both be present. The Presiding Officer shall contact potential witnesses and arrange for their appearance at the hearing. Notice of the hearing shall be given at least five (5) days in advance.

The Presiding Officer may focus the hearing

so that it concerns only those aspects of the decision about which the parties disagree. The decision of the Fair Practices Officer shall be offered into evidence at the hearing, but it is entitled to no presumption of correctness. Neither the Complainant nor the Respondent shall be entitled to have an attorney at the hearing; each may be allowed an advocate from the University community who is not an attorney. If the Committee requests legal assistance, the University's attorney may be present at the hearing to provide advice related only to the procedures to be followed during the hearing. The Complainant, the Respondent, and the Fair Practices Officer may all fully participate in the hearing, may present opening and closing statements, may call witnesses and examine and cross-examine witnesses, and may introduce documentary evidence. The questioning of the Complainant and Respondent shall be conducted by the parties' advocates or the Committee, and not by the parties themselves. Hearing Committee members also may question other witnesses. The Presiding Officer may exclude irrelevant, repetitious, or unduly prejudicial evidence. The Presiding Officer shall be in charge of gathering the documentary evidence that is presented at the hearing and transmitting it to the Fair Practices Officer after the Committee no longer needs it, so that a record is created.

Within fifteen (15) days of the conclusion of the hearing, the Hearing Committee shall issue a written report to the President containing its findings, conclusions and recommendations on the matter. The written report shall be provided to the Complainant, Respondent, and Fair Practices Officer at that time.

Within fifteen (15) days of receiving the report, the President shall issue a final written decision. The President may accept, reject or modify the findings and proposed sanction recommended by the Hearing Committee. The President's decision shall be mailed to the Complainant, the Respondent, the Fair Practices Officer, and the members of the Hearing Committee. There can be no appeal from this decision.

C. Alternative to Formal Hearing; Finality of Decision

Instead of opting for a hearing, either the Complainant or the Respondent can appeal the decision of the Fair Practices Officer by filing a written statement of appeal with the President

of the University within fifteen (15) days of the decision, setting forth the reasons for the appeal. Alternatively, if no appeal from the decision of the Fair Practices Officer is taken, the decision will be referred to the President for final action. The President will have full discretion to address the issues of the decision or appeal as he or she sees fit. The President shall promptly issue a written decision and shall convey it to the Complainant, the Respondent, and the Fair Practices Officer. This shall be the final decision on the matter.

D. Other Options

While there is no further appeal from the President's decision provided under this Policy, regular employees and tenured and tenure-track faculty may have additional rights to challenge the sanctions of suspension and termination pursuant to University policy or State law. Further information on these rights can be obtained from the Office of Human Resources or the Provost.

Employees, but not students, may choose to pursue a formal complaint of discriminatory harassment under the State-wide anti-discrimination policy applicable to all regular State employees. If this choice is made, it is an alternative to the use of the University process for handling harassment complaints and not an additional avenue of complaint.

To begin the State-wide complaint mechanism, an employee must file a written complaint with the head of the state unit, in this case the President of the University, alleging that discrimination has occurred. The complaint will be investigated by the Fair Practices Officer, and he or she will recommend a decision to the President. Within thirty (30) days of the complaint being filed, the President will issue a written decision. There is no hearing allowed in the Statewide process. This decision can be appealed to the Secretary of the Department of Budget and Management. Further explanation of the use of this process can be provided by the Fair Practices Officer.

Depending on the nature of the complaint, there may be other remedies available through federal or State government agencies, such as a complaint to the Equal Employment Opportunity Commission (EEOC). Information about such remedies can be obtained from the Fair Practices Officer.

All time limitations contained within this Policy may be extended for good cause.

MENTAL HEALTH POLICY

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 anyone or 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.

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 house-

- hold 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
- 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.

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

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;
 - 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 appropriate 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/.

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 wall is made of dark bricks and has a decorative top edge. On the left, there is a stone pillar with a circular seal. In the foreground, there are some bushes and flowers. The background shows trees and a cloudy sky.

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