



MARIAN UNIVERSITY STUDENT CODE OF CONDUCT

Office of Student Life

MARIAN UNIVERSITY 45 S National Ave. Fond du Lac WI 54935



Contents

Section 1: Marian university guiding principles and mission.....	1
Marian University as a Catholic University.....	1
Mission Statement.....	1
Human Dignity Statement.....	1
Core Values of Marian University	2
Section 2: Jurisdiction.....	3
Section 3: Violations of the Law	5
Section 4: The Rules	6
Civility Values and Behavioral Expectations	6
Integrity Codes.....	6
Abuse of Conduct Process	6
Collusion.....	6
Election Tampering.....	6
Failure to Comply	6
Falsification.....	6
Financial Responsibilities	7
Gambling.....	7
Ineligible Pledging or Association.....	7
IT and Acceptable Use.....	7
Stolen Property.....	7
Taking of Property	7
Trademark	7
Trust	7
Unauthorized Access	7
Community Safety Codes	7
Alcohol.....	7
Animals.....	8
Damage and Destruction.....	8
Disruptive Behavior	8
Fire Safety.....	8

Harm to Persons	9
Health and Safety	9
Illegal Drugs.....	9
Rioting.....	9
Tobacco or Vapor Use	9
Unauthorized Entry	9
Weapons.....	9
Wheeled Devices	9
Inclusivity and Human Dignity Codes.....	10
Bystanding	10
Bullying and Cyberbullying.....	10
Discrimination.....	10
Harassment.....	10
Hazing.....	10
Public Exposure	10
Retaliatory Discrimination or Harassment.....	10
Relationship Violence.....	11
Sexual Misconduct.....	11
Stalking	12
Threatening Behaviors	12
Other Codes	12
Arrest.....	12
Sales and Solicitation.....	12
Other Policies.....	13
Violations of Law	14
Section 5: Overview of the Conduct Process.....	15
STEP 1: Preliminary Inquiry and/or Educational Conference.....	15
STEP 2: Formal Hearing.....	16
STEP 3: Review and Finalize Sanction(s).....	16
Section 6: Student Conduct Authority	18
Authority	18
Gatekeeping	18
Conflict Resolution Options	18
Administrative Hearing Officers.....	18

Interpretation and Revision.....	19
Section 7: Formal Conduct Procedures.....	20
Standards of Procedures.....	20
A. University as Convener.....	20
B. Group Violations.....	20
C. Amnesty:.....	21
Notice and Investigations.....	21
D. Notice of Alleged Violation.....	21
E. Investigations.....	22
Findings by Investigators.....	23
F. Findings.....	23
Discrimination and Other Sensitive Hearing Provisions.....	25
G. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature.....	25
H. Notice of Hearing.....	25
I. Interim Action.....	26
J. Hearing & Preparation.....	26
K. Formal Hearing Procedures.....	27
Sanctions.....	29
L. Conduct Sanctions.....	29
Notifications.....	31
M. Parental Notification.....	31
N. Notification of Outcomes.....	31
Appeal Processes.....	32
O. Failure to Complete Conduct Sanctions.....	32
P. Appeal Review Procedures.....	32
Disciplinary Records.....	34
Q. Disciplinary Records.....	34

Section 1: Marian university guiding principles and mission

Marian University as a Catholic University

Marian University is a Catholic institution that is rooted in the gospel of Jesus Christ and influenced by the Church's 21st ecumenical council, Vatican II (1962-1965). As such, Marian University promotes a spirit of dialogue, questioning, and unity within and outside of classroom learning. The morals and values of the Roman Catholic tradition are upheld in all facets of University life.

Mission Statement

Marian University is a Catholic applied liberal arts community that welcomes diverse spiritual traditions. Sponsored by the Congregation of Sisters of St. Agnes, Marian University engages students in the education of the whole person. We embrace justice and compassion and transform lives for professional service and leadership in the global community.

Human Dignity Statement

Marian University was founded on the principles of the Judeo-Christian tradition. At the very center of this tradition is the affirmation of the value and sacred dignity of the human person. This principle is the cornerstone of the Marian University community.

The Marian community strives to uphold the dignity of every person and to confront challenges to that dignity. The University does not tolerate inappropriate use of power or authority by its members, nor does the University condone any other violation of human dignity. Marian University addresses violations of human dignity through the policies listed in this handbook.

These behavioral policies, as listed in this handbook, govern the conduct of members of the University community. Policies emphasizing the importance of human dignity and practices that promote appropriate respect for individuality and basic human rights are intended to encourage the Marian University community to incorporate such values into interactions with all persons, whether members of the Marian community or the larger society.

Core Values of Marian University

- **Community:** Respecting our diversity as individuals, we encourage, challenge, and nurture one another, joining together to accomplish our shared mission and vision.
- **Learning:** We engage in a collaborative lifelong process of seeking truth and appropriating knowledge and values to transform the individual, our communities, and the world.
- **Service:** Through active service and ministry, we support one another and seek to meet the needs of the larger community.
- **Social Justice:** We work to create individual and societal change which supports the value, dignity, and opportunity of every person.
- **Spiritual Traditions:** Valuing Marian's Catholic religious heritage, we respect each individual's freedom to explore a diversity of spiritual beliefs.

Section 2: Jurisdiction

Students at Marian University are provided a copy of the *Code of Student Conduct* annually in the form of a link on the University website. Hard copies are available upon request from the Office of Student Conduct. Students are responsible for having read and abiding by the provisions of the *Code of Student Conduct*.

The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, including distance and satellite campus learners and all university-affiliated student organizations. For the purposes of student conduct, Marian considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in Marian.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and/or graduate and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree.

The *Code of Student Conduct* applies to behaviors that take place on the campus, at University-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest.^[1] A substantial University interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University;

The *Code of Student Conduct* may be applied to behavior conducted online, via email or other electronic medium. Students should also 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 if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials. However, most online speech by students not involving Marian networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as "a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals";
- Speech posted online about the University or its community members that causes a significant on-campus disruption.

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

There is no time limit on reporting violations of the *Code of Student Conduct*; however, the longer someone waits to report an offense, the harder it becomes for Marian officials to obtain information and witness statements and make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Life and/or to Campus Safety and Security.

A responding student facing an alleged violation of the *Code of Student Conduct* is not permitted to withdraw from the Marian University until all allegations are resolved^[2].

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

[1] Adapted, with gratitude, from Penn State University.

[2] Many students are simply electing to withdraw once notified that they are facing an accusation. Withdrawal, like admission, requires an administrative action. A student can request a withdrawal for any number of reasons, which can then be administratively approved or denied. In this approach, a request would be denied until the conduct complaint is resolved, if a complaint is pending at the time of the withdrawal request. Yes, a student may effectively withdraw themselves by dropping out, but must go through the process to change their status officially. This approach resolves the challenge of proceeding with the conduct process after a student withdraws themselves, because technically, an institution cannot sanction a non-student (which is what a student is after they withdraw). Once the process is complete, if the student is sanctioned, the student must complete the sanctions before becoming eligible to re-enroll, if at all. A hold on withdrawal can be placed accordingly until then.

Section 3: Violations of the Law

Alleged violations of federal, state and local laws may be investigated and addressed under the *Code of Student Conduct*. When an offense occurs over which the University has jurisdiction, the Marian conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined in that section here). Interim suspensions are imposed until a hearing can be held, typically within two weeks. Within that time, the suspended student may request an immediate hearing from the Dean of Students to show cause why the interim suspension should be lifted. This hearing may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and the University may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, Marian will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than two weeks from notice of the incident unless a longer delay is requested in writing by the complaining victim to allow the criminal investigation to proceed before the Marian process.

Students accused of crimes may request to take a leave from the University until the criminal charges are resolved. In such situations, Marian's procedure for voluntary leaves of absence is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the leave of absence; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

Section 4: The Rules

Civility Values and Behavioral Expectations

Marian considers the behavior described in the following sub-sections as inappropriate for the University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students, whether undergraduate, graduate, doctoral, or distance or satellite learners. The University encourages community members to report to Marian officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 7: Conduct Procedures.

Integrity Codes

Abuse of Conduct Process. Abuse or interference with, or failure to comply in, University processes including conduct and academic integrity hearings including, but not limited to:

1. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
2. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
3. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.

Collusion. Action or inaction with another or others to violate the Code of Student Conduct;

Election Tampering. Tampering with the election of any Marian recognized student organization (minor election code violations are addressed by the Student Senate);

Failure to Comply. Failure to comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;

1. Failure to comply with the sanction(s) imposed by the campus conduct system;
2. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
3. Falsification, distortion, or misrepresentation of information;

Falsification. Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments;

Financial Responsibilities. Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.

Gambling. Gambling as prohibited by the laws of the State of Wisconsin. Gambling may include raffles, lotteries, sports pools and online betting activities.

Ineligible Pledging or Association. Pledging or associating with a student organization without having met eligibility requirements established by the University.

IT and Acceptable Use. Violating the University Acceptable Use and Computing Policy, found online at: <https://my.marianuniversity.edu/arianpolicymanual/Documents/Information%20Technology/Information%20Technology%20Acceptable%20Use%20Policy.pdf>

Stolen Property. Knowingly taking or maintaining possession of stolen property;

Taking of Property. Intentional and unauthorized taking of University property or the personal property of another, including goods, services and other valuables;

Trademark. Unauthorized use (including misuse) of Marian or organizational names and images;

Trust. Violations of positions of trust within the community;

Unauthorized Access. Unauthorized access to any Marian building (i.e. keys, cards, etc.) or unauthorized possession, duplication or use of means of access to any Marian building or failing to timely report a lost Marian University identification card or key;

Community Safety Codes

Alcohol. Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and the University's Alcohol Policy

1. Individuals prohibited from the consumption or possession of alcohol, as defined by Wisconsin law, cannot consume or possess alcohol while at Marian University or University-sponsored events. This restriction also applies to the individuals' guests, regardless of age, as it pertains to the presence of alcohol in the residence facilities.
2. Individuals who are under the age of 21 in the presence of alcohol will be considered in violation of the Marian University Alcohol Policy, which may include a violation of the Bystanding Policy.
3. Individuals, parents, and/or members of organizations who are 21 or older must refrain from sharing, giving, purchasing, serving, or encouraging the consumption of alcohol by anyone less than 21 years of age. Students or employees who violate

this policy will be subject to the University's disciplinary proceedings and/or civil proceedings. Please be advised, parents or legal guardians who provide alcohol to students on campus are doing so without the permission of the institution and are therefore violating the law. Further, the student accepting the alcohol is not exempt from the alcohol policy and any consequences of violating it.

4. Individuals who provide alcohol or participate in functions where alcohol is served are responsible for the safety and welfare of their University peers and/or guests who are consuming alcohol.
5. Social events where alcohol is served must be served by a contracted, professional bartender.
6. Inappropriate behavior resulting from the consumption of alcohol (i.e. public intoxication) will result in disciplinary action against the students and/or organization.
7. Creating, offering, or engaging in drinking games or other behaviors designed for the purpose of rapid and/or excessive consumption of alcohol is prohibited. At no time should activities that encourage excessive drinking or lead to the endangerment of the individuals take place in the residence facilities or on University property.
8. Kegs or similar containers of alcohol (including beer bong, coolers, Rubbermaid containers, and other large volume containers) are not permitted on campus at any time unless approved by the Dean of Student Engagement.
9. Bars or any bar-type structures are not permitted in any residence facility.
10. Open containers of alcohol (including, but not limited to: bottle, can, cup, case, or box) in publicly shared areas (the grounds, hallways, study lounges, classrooms, etc.) are strictly prohibited.

Animals. Animals, with the exception of animals that provide assistance (e.g. seeing-eye dogs), and comfort animals as outlined in the Residence Life contractual policies, are not permitted on campus except as permitted by law.

Damage and Destruction. Intentional, reckless and/or unauthorized damage to or destruction of Marian property or the personal property of another;

Disruptive Behavior. Substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities which occur on campus;

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

- Intentionally or recklessly causing a fire which damages University or personal property or which causes injury.
 1. Failure to evacuate a University-controlled building during a fire alarm;
 2. Improper use of University/College fire safety equipment; or
 3. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions;

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

Health and Safety. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)

Illegal Drugs. Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the University/College's Drug Policy.

1. The illegal possession of drugs or identified paraphernalia, in accordance with state and federal laws, is strictly prohibited.
2. University personnel descriptions of a student whose self or clothing carries a distinct odor of a drug (i.e. marijuana) may be considered evidence in a conduct hearing.
3. Violations of this policy will be reported to law enforcement officials and/or be handled through the Student Conduct Process
4. Prescription Medications. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications is prohibited. Any prescription drug not found in its original container with the individual's name is strictly prohibited.

Rioting. Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;

Tobacco or Vapor Use. Smoking or tobacco use or use of vaping devices in any area of campus other than on perimeter sidewalks is prohibited.

Unauthorized Entry. Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a University building;

Weapons. Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than 5 inches, is prohibited on campus unless it falls within the category of a weapon in a vehicle parked on University property. In those cases, the weapon must remain in the locked trunk of a vehicle while in the parking lot of the campus.

Wheeled Devices. Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside University buildings, including residence halls. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to University property caused by these activities.

Inclusivity and Human Dignity Codes

Bystanding.

1. Complicity with or failure of any student to appropriately address known or obvious violations of the *Code of Student Conduct* or law;
2. Complicity with or failure of any organized group to appropriately address known or obvious violations of the *Code of Student Conduct* or law by its members.

Bullying and Cyberbullying. Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

Discrimination. Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational program or activities.

Harassment. Any unwelcome conduct based on actual or perceived status including: sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim and community.

1. Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from Marian's educational or employment program or activities.

Hazing. Defined as an act that endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and/or failing to report those acts may also violate this policy.

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

Retaliatory Discrimination or Harassment. Any intentional, adverse action taken by a responding individual or allied third party, absent legitimate nondiscriminatory purposes, against

a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under this Code.

Relationship Violence. Violence or abuse by a person in an intimate relationship with another.

Sexual Misconduct. Marian University upholds the Roman Catholic teaching on human sexuality and behavior, as well as the Human Dignity Statement, as outlined in this Student Handbook. Therefore, all acts of sexual misconduct — including forced intercourse or other unwanted contact — are strictly prohibited. Marian University affirms the definitions of discrimination and retaliation as outlined by Title IX of the Higher Education Act of 1965, as amended and the protections against violence as defined by the Campus Sexual Violence Elimination (SaVE) Act of 2013. Because of the nature of sexual misconduct, including respecting victim and alleged assailant rights, student violations of this policy are administered differently than other student code of conduct violations. Please also refer to the Amnesty and Exemption Policy listed in the University Policies when considering reporting an act of Sexual Misconduct.

Definitions of acts of sexual misconduct:

Marian University uses the following definitions of sexual misconduct: Non-Consensual Sexual Contact and Non-Consensual Sexual Intercourse and Sexual Exploitation. Consent is obtained through verbal assent from both parties prior to engaging in any sexual behaviors defined below.

Non-Consensual Sexual Contact is:

- Any intentional sexual touching
- However slight
- With any object
- By one person upon another person
- That is without consent and/or by force

Sexual contact is defined as intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts OR any other intentional bodily contact of a sexual manner.

Non-Consensual Sexual Intercourse is:

- Any sexual intercourse
- However slight
- With any object
- By one person upon another person
- That is without consent and/or by force

Sexual Intercourse is defined as vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Sexual Exploitation: Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited (and that behavior does not otherwise constitute one of other sexual misconduct offenses.) Examples include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another person
- Non-consensual recording or broadcast of sexual activity
- Going beyond the boundaries of consent (such as letting someone hide in the closet to watch you having consensual sex)
- Engaging in voyeurism
- Knowingly exposing another to an STD or HIV
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals

Stalking. Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear. Stalking is prohibited.

Threatening Behaviors:

1. Threat. Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
2. Intimidation. Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another.

Other Codes

Arrest

Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Office of Student Life within seventy-two (72) hours of release.

Sales and Solicitation

Any outside individual or group soliciting, canvassing, or disseminating literature or wishing to use the University as a public forum must receive advance written permission from the Office of Student Life. Any violation of public order by the guest(s) will result in withdrawal of the invitation and/or removal of the guest(s).

Sales Events

Officially recognized organizations, departments, and offices, and enrolled students may sponsor sales events by completing the Facilities Reservation Form. Vendors may not sell on campus without organization sponsorship and without giving a portion of their sales to the sponsoring

organization or individual. Sales are limited to two days. Organizations or individual students that wish to sponsor a sales event beyond this time limit must submit a formal request to the Office of Student Life prior to the sales activity date.

Students and groups are expected to comply with all state and federal laws regarding sales, solicitation, and health and safety codes.

Food Sales

Any food or beverage sales must comply with the contracted agreement with Sodexo Food Services and the Food Handling and Sanitation guidelines as specified by the Food and Drug Administration. To ensure the health and safety of the Marian University community during food sales, it is essential that the following guidelines be adhered to:

1. Obtain permission to hold the food sale from the Sodexo Executive Chef.
2. Wash hands with soap and water before preparing, handling, or selling food.
3. Wash hands immediately after the use of restroom facilities.
4. Use clean plastic gloves at all times when preparing, handling, or serving food.
5. Change plastic gloves frequently. Each group is responsible for providing plastic gloves for its food sale.
6. A minimum of two people is required — money handlers should only handle money; food handlers should only handle food. Do not mix these jobs.
7. Use serving utensils to avoid direct contact with food.
8. Only those free from illness should be preparing, handling, or serving food.
9. Ensure the serving area is clean at all times during the sale. It is the responsibility of the group conducting the food sale to clean up the area when the food sale has concluded.
10. Food may not be prepared on site that may pose either a serious health or safety concern. Restricted appliances are at the discretion of the University and include, but are not limited to: deep fryers, open griddles, hot plates, or chafing dishes that are heated with an open flame. Any non-restricted appliances used must be in good working order (i.e. without frayed cords) and must be requested from Campus Services on the Facilities Reservation Form.

When serving hot, precooked meat products, extreme care must be taken to ensure that the product is maintained at the correct temperature.

When submitting a Facilities Reservation Form to schedule a fundraising food sale, please indicate the intended product(s) to be sold. This form can be found at One-Stop and submitted to Campus Services for approval.

Other Policies

Violating other published Marian policies or rules, including all Residence Hall policies;

Violations of Law

Evidence of violation of local, state or federal laws, when substantiated through the University's conduct process.

Section 5: Overview of the Conduct Process

This overview gives a general idea of how Marian University campus conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University rules.[\[1\]](#)

NOTICE. Once notice is received from any source (victim, RA, 3rd party, online, etc.), Marian may proceed with a preliminary investigation and/or may schedule an initial educational meeting/conference with the responding student to explain the conduct process to the responding student and gather information.

STEP 1: Preliminary Inquiry and/or Educational Conference

Marian University conducts a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate the Code of Student Conduct, (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code);
2. A more comprehensive investigation, when it is clear more information must be gathered (see detailed procedures [here](#));
3. A formal complaint of a violation and/or an educational conference with the responding student.

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

- A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed and records should so indicate;
- A decision on the allegation, also known as an "informal" or "administrative" resolution to an uncontested allegation (see immediately below);
- A decision to proceed with additional investigation and/or referral for a "formal" resolution.

If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end. The party bringing the complaint may request that the Dean of Students and/or the Title IX Coordinator reopen the investigation and/or grant a hearing. This decision shall be in the sole discretion of the Dean of Students and/or the Title IX Coordinator and will only be granted for extraordinary cause. If the University's finding is that the responding student is in violation, and the responding student accepts this finding within three days, Marian considers this an "uncontested allegation." The administrator conducting the initial educational conference will then determine the sanction(s) for the misconduct, which the responding student may accept or reject. If accepted, the process ends^[2].

If student accepts the findings, but rejects the sanction, the University will conduct a sanction-only hearing, conducted by an appeals panel, which recommends a sanction to the Dean of Students. The sanction is then reviewed and finalized by the Dean of Students and is subject to appeal (see *Appeal Review Procedures* in Section 7(P) here) by any party to the misconduct. Once the appeal is decided, the process ends.

If the administrator conducting the educational conference determines that it is more likely than not that the responding student is in violation, and the responding student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to Step 2.

STEP 2: Formal Hearing

In a contested allegation, additional investigation may then be commenced and/or a hearing may be held when there is reasonable cause to believe that a rule or rules have been violated. A formal notice of the complaint will be issued, and a hearing will be held before an administrator. If there are no other parties required for the hearing, it may be conducted directly after the student rejects the decision in the educational conference. A finding will be determined and is final except in cases that involve Title IX or other discrimination allegations. In those cases, the hearing results serve as a recommendation to the Dean of Students and, where appropriate, the Title IX Coordinator, who review and finalize the finding.^[3] If the finding is that the responding student is not responsible, the process ends. Applicable appeals options are described below.

STEP 3: Review and Finalize Sanction(s).

If the student is found in violation(s), sanctions will be recommended by the panel, administrator, etc. to the Dean of Students and Title IX Coordinator when applicable, who will review and finalize the sanctions, subject to the Marian University appeals process by any party to the complaint.

[1] In Title IX related issues, the "administrator" is any "responsible employee" as defined under Title IX and/or campus policy.

[2] In cases of minor misconduct, both steps in this paragraph can be accomplished in one meeting.

[3] The findings of the hearing should only be overturned or modified when necessary to conform to Title IX and/or to repair error that would result in appeal.

Section 6: Student Conduct Authority

Authority

The Dean of Students is vested with the authority over student conduct by the President. The Dean of Students appoints the Director of Student Community Standards and the Director of Residence Life to oversee and manage the educational administrative student conduct processes. The Dean of Students or his/her designee may appoint administrative hearing officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Vice President of Student Engagement (or designee) will assume responsibility for the investigation of an allegation of misconduct of hearing officer(s) to determine if the complaint has merit.

Gatekeeping

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing. The Dean of Students or his/her designee determines if credible information standards have been met.

Conflict Resolution Options

The Dean of Students has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Dean of Students may also suggest that complaints that do not involve a violation of the *Code of Student Conduct* be referred for mediation or other appropriate conflict resolution.

Administrative Hearing Officers

Administrative Hearing Officers are chosen from a pool of annually trained by the Dean of Students.

Interpretation and Revision

The Dean of Students will develop procedural rules for the administration of hearings that are consistent with provisions of the *Code of Student Conduct*. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Dean of Students may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. The Dean of Students may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Student Conduct* will be referred to the Vice President of Student Engagement, whose interpretation is final. The *Code of Student Conduct* will be updated annually under the direction of the Dean of Students with a comprehensive revision process being conducted every three (3) years.

Section 7: Formal Conduct Procedures

Standards of Procedures

This page lays out the basic authority and rights and responsibilities of students and faculty and staff in hearing processes.

A. University as Convener

The University is the convener of every action under this code. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that the University has obtained regarding the allegations.

B. Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's leaders or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

C. Amnesty:

1. For Victims

The University provides amnesty to victims who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result.

2. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, Marian pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Dean of Students, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.

3. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Dean of Students not to extend amnesty to the same person repeatedly.

4. Safe Harbor

The University has a Safe Harbor rule for students. The University believes that students who have a drug and/or addiction problem deserve help. If any University student brings their own use, addiction, or dependency to the attention of University officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

Notice and Investigations

D. Notice of Alleged Violation

Any member of the University community, visitor or guest may allege a policy violation(s) by any student for misconduct under this *Code* [by the following process and/or via the following URL]:

Notice may also be given to the Office of Student Community Standards, the Office of Residence Life (or designee) and/or to the Title IX Coordinator, when appropriate. Additionally,

administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. The University has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Director of Student Community Standards will assume responsibility for the investigation of the alleged violation as described in the sub-section below.

E. Investigations

Investigations are either formal or informal. An informal investigation occurs during an administrative conference between a hearing officer and the responding student.

Formal investigations are most often, but not always, conducted when there is a significant ambiguity and multiple points of view included in the report. The Dean of Students or Title IX Coordinator will appoint an investigator(s) for allegations under this *Code*. The investigator(s) will take the following steps, if not already completed by the Coordinator or designee:

1. Initiate any necessary remedial actions on behalf of the victim (if any);
2. Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a University proxy or representative;
3. Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
 1. If the victim is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the victim;
 2. Notify the victim of whether the University intends to pursue the complaint regardless of their involvement, and inform the victim of their rights in the process and option to become involved if they so choose;
 3. Preliminary investigation usually takes between 1-7 business days to complete;
4. If indicated by the preliminary investigation and authorized by the Title IX Coordinator or Director of Student Community Standards, conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated University policy, and to determine what specific policy violations should serve as the basis for the complaint. If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
5. Meet with the party bringing the complaint to finalize the Party bringing the complaint's Statement, which will be drawn up by the investigator or designee as a result of this meeting;
6. Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding student, who may be given notice of the interview prior to or at the time of the interview. Prepare the notice of alleged policy

violation(s) on the basis of the reasonable cause determination, which may be delivered prior to, during or after the responding student is interviewed, at the discretion of the investigator(s);

7. Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy;
8. Obtain all documentary evidence and information that is available;
9. Obtain all physical evidence that is available;
10. Complete the investigation promptly by analyzing all available evidence
11. Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
12. Present the investigation report and findings to the responding student, who may:
 1. accept the findings,
 2. accept the findings in part and reject them in part,
 3. or may reject all findings;
13. Share the findings and update the party bringing the complaint on the status of the investigation and the outcome.

Findings by Investigators

F. Findings

The following options (1-3) describe how to proceed depending on whether the responding student is found responsible and whether the Responding Student accepts or rejects the findings and/or the sanctions either in whole or in part.

1. *The Responding Student is Found "Not Responsible"*

Where the responding student is found not responsible for the alleged violation(s), the investigation will be closed. The party bringing the complaint, if any, may request that the Title IX Coordinator and/or Dean of Students, as applicable, review the investigation file to possibly re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely in the discretion of the Title IX Coordinator or the Dean of Students in these cases, and is granted only on the basis of extraordinary cause.

2. *The Responding Student Accepts a Finding of "Responsible"...*

- a) The Responding Student Accepts a Finding of "Responsible" and Accepts the Recommended Sanctions.

Should the responding student accept the finding that they violated University policy, the Investigator will recommend appropriate sanctions for the violation, having consulted with Dean of Students and/or Title IX Coordinator, as appropriate. In cases involving discrimination, recommended sanctions will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the University community. If the responding student accepts these recommended sanctions, the sanctions are implemented by the Dean of Students or designee and the process ends. There will be a three-day period for review between the date of acceptance and

when the resolution becomes final. Should the responding student decide to reject the sanctions within that time period, Option 2B, below, will apply. This outcome is not subject to appeal.

- b) The Responding Student Accepts a Finding of "Responsible" and Rejects the Sanctions Recommended.

If the responding student accepts the "responsible" findings, but rejects the recommended sanctions, there will be an administrative conference on the sanction, only. Administrative conference procedures are detailed below.

3. *Responding Student Rejects the Findings Completely or In-part*

- a) Responding Student Rejects the Findings Completely

Where the responding student rejects the finding that they violated University policy, a review by an appeals panel convened by the Dean of Students and/or Title IX Coordinator will be conducted.

At the hearing, the investigator(s) will present their report to the appeals panel, the panel may choose to review information from the reporting or responding parties or witnesses.

If the appeals panel finds the responding student not responsible for all violations, the Director of Student Community Standards will inform with due haste the parties of this determination and the rationale for the decision in writing. This determination is subject to appeal by any party to the complaint. Appeal review procedures are outlined below.

If the panel finds a violation, it will recommend a sanction/responsive action to the Director of Student Community Standards, who will confer with the Title IX Coordinator and/or Dean of Students as necessary and, render a decision within three (3) days of the hearing and timely notify the parties orally, as well as in writing. An appeal of sanction(s) may be filed by any party to the complaint as detailed below.

- b) Responding Student Accepts the Findings in Part and Rejects in Part

Where the responding student rejects in part the finding that they violated University policy, there will be a review by the appeals panel solely on the disputed allegations within seven days, barring exigent circumstances. For all findings holding a responding student responsible for a violation, the University will follow the sanctioning process detailed **here**, below. If the appeals panel finds the responding student "Not Responsible" on any of the contested allegations, the process will move to the Sanctioning Phase on only the uncontested allegations, as detailed in sub-sections **here**.

Discrimination and Other Sensitive Hearing Provisions

G. Special Hearing Provisions for Sexual Misconduct, Discrimination and Other Complaints of a Sensitive Nature

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the Dean of Students and/or Title IX Coordinator. All such information sought to be admitted by a party or the University will be presumed irrelevant until a showing of relevance is made, in advance of the hearing, to the Dean of Students and/or the Title IX Coordinator. Demonstration of pattern, repeated, and/or predatory behavior by the responding student, in the form of previous findings in any legal or campus proceeding, or in the form of previous good faith allegations, will always be relevant to the finding, not just the sanction. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing.

The party bringing any complaint alleging sexual misconduct, other behavior falling with the coverage of Title IX and/or a crime of violence will be notified in writing of the outcome of a hearing, any sanctions assigned and the rationale for the decision.

H. Notice of Hearing

Once a determination is made that reasonable cause exists for the Director of Student Community Standards (or the designated Administrative Hearing Officer) to refer a complaint for a hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Community Standards or designated Administrative Hearing Officer); mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

1. Include the alleged violation and notification of where to locate the *Code of Student Conduct* and University procedures for resolution of the complaint; and;
2. Direct the responding student to contact the Director of Student Community Standards (or the designated Administrative Hearing Officer) within a specified period of time to respond to the complaint. This time period will generally be no less than two business days from the date of delivery of the summons letter.

A meeting with the Director of Student Community Standards, the Dean of Students, or their designee may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Director of Student Community Standards (or the designated Administrative Hearing Officer), whether they admit to or deny the allegations of the complaint.

I. Interim Action

Under the *Code of Student Conduct*, the Dean of Students or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct*. A student who receives an interim suspension may request a meeting with the Dean of Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of a campus hearing.

During an interim suspension, a student may be denied access to Marian housing and/or the University campus/facilities/events. As determined appropriate by the Dean of Students, this restriction may include classes and/or all other Marian activities or privileges for which the student might otherwise be eligible. At the discretion of the Dean of Students and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

J. Hearing & Preparation

The following sub-sections describe the Marian's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Dean of Students (or designee), no student may be found to have violated the *Code of Student Conduct* solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Dean of Students, Administrative Hearing Officer, or appeals panel presiding over the hearing.

Students who deny a violation for which a formal hearing will be held will be given a minimum of seven (7) days to prepare unless all parties wish to proceed more quickly. Preparation for a formal hearing is summarized in the following guidelines:

- 1) Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Community Standards (or designee); mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University -issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
- 2) If there is an alleged victim of the conduct in question, the alleged victim may serve as the reporting party or may elect to have the Marian administration serve as the party bringing the complaint forward. Where there is no alleged victim, the University administration will serve as the party bringing the complaint forward.

3) If a responding student fails to respond to notice from the Dean of Students (or designee), the Dean of Students (or designee) may initiate a complaint against the student for failure to comply with the directives of a Marian official and give notice of this offense. Unless the student responds to this notice within two days by answering the original notice, an administrative conference may be scheduled and held on the student's behalf. As a result, the student may be administratively withdrawn from attending classes or a disciplinary hold may be placed on their University account, deeming them ineligible to register for courses or Marian housing until such time as the student responds to the initial complaint.

4) At least three (3) days before any scheduled formal hearing, the following will occur:

- a) The responding student will deliver to the Dean of Students (or designee) a written response to the complaint;
- b) The responding student will deliver to the Dean of Students (or designee) a written list of all witnesses for the University to call at the hearing;
- c) The responding student will deliver to the Dean of Students (or designee) all physical evidence the student intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean of Students can arrange for its presence;
- d) The party bringing the complaint will deliver to the Dean of Students (or designee) a written list of all witnesses for the University to call at the hearing;
- e) The party bringing the complaint will deliver to the Dean of Students (or designee) all items of physical evidence needed at the hearing and will indicate who has possession or custody of such evidence, if known, so that the Dean of Students can arrange for its presence;
- f) The party bringing the complaint and the responding student will notify the Dean of Students (or designee) of the names of any advisors/advocates who may be accompanying the parties at the hearing.

5) The Dean of Students (or designee) will ensure that the hearing information and any other available written documentation is shared with the parties at least two (2) days before any scheduled hearing. In addition, the parties will be told the name of the Administrative Hearing Officer in advance. Should any party object to the designated Hearing Officer, that party must raise all objections, in writing, to the Dean of Students immediately. Hearing officers will only be unseated if the Dean of Students concludes that their bias precludes an impartial hearing of the complaint. Additionally, any Hearing Officer who feels they cannot make an objective determination must recuse themselves from the proceedings.

K. Formal Hearing Procedures

Formal hearings are conducted with a designated Administrative Hearing Officer. If a student cannot attend the hearing, it is that student's responsibility to notify the Administrative Hearing Officer no less than three (3) days prior to the scheduled hearing to arrange for another date, time and location. Except in cases of grave or unforeseen circumstances, if the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled. If the party bringing the complaint fails to appear,

the complaint may be dropped unless the University chooses to pursue the allegation on its own behalf, as determined by the Dean of Students.

The hearing officer will conduct panel hearings according to the following guidelines:

1) Hearings will be closed to the public. They may involve all parties (reporting, responding, and witnesses) or may be held individually. Admission to the hearing of persons other than the parties involved will be at the discretion of the officer, but may be subject to review by the Dean of Students or Director of Student Community Standards. All reports and records are subject to review by all parties prior to a decision being made.

2) In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Dean of Students may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.

3) The parties have the right to an advisor/advocate of their own choosing, including attorneys. Typically advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee.

4) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the hearing officer or the Dean of Students or his/her designee. Formal rules of evidence are not observed. The Dean of Students or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.

5) All procedural questions are subject to the final decision of the Dean of Students or designee.

6) After a formal hearing, the officer will deliberate and determine whether it is more likely than not that the responding student has violated the Code of Student Conduct. The Dean of Students (or designee) may be consulted as a resource during deliberations, but does not vote on an outcome. Once a finding is determined, if the finding is that of a policy violation, the hearing officer will determine an appropriate sanction(s). The Director of Student Community Standards, the Dean of Students, and/or the Title IX Coordinator is responsible for informing the panel of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student. The hearing officer will prepare a written deliberation report and deliver it to the Director of Student Community Standards, Dean of Students, and/or the Title IX Coordinator, detailing the recommended finding, the information cited in support of the recommendation, and any information excluded from its consideration and why. This report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Director of Student Community Standards within two (2) days of the end of deliberations.

7) The Dean of Students will consider the recommendations of the panel, may make appropriate modifications to the panel's report and will then render a decision and inform the responding student and party bringing the complaint (if applicable by law or University policy) of the final determination within three (3) days of the hearing. Notification will be made in writing and may be delivered by one or more of the following methods: in person by the Director of Student Community Standards (or designee); mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. In cases of sexual misconduct and other crimes of violence, notice of the outcome will be delivered to all parties simultaneously, meaning without substantial delay between the notifications to each.

8) There will be a single verbatim record, such as an audio recording, for all formal hearings that may result in probation, suspension, or expulsion. Deliberations will not be recorded. The record will be the property of the University and maintained according to the University's record retention policy.

Sanctions

L. Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the *Code of Student Conduct*:

1. **Warning:** An official written notice that the student has violated University policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at Marian.
2. **Restitution:** Compensation for damage caused to the University or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
3. **Community/University Service Requirements:** For a student or organization to complete a specific supervised University service.
4. **Loss of Privileges:** The student will be denied specified privileges for a designated period of time.
5. **Confiscation of Prohibited Property:** Items whose presence is in violation of University policy will be confiscated and will become the property of Marian University. Prohibited items may be returned to the owner at the discretion of the Dean of Students.
6. **Behavioral Requirement:** This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
7. **Educational Program:** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the

violation for which the student or organization was found responsible. Audience may be restricted.

8. Restriction of Visitation Privileges: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
9. University Housing Probation: Official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from Marian housing. Regular probationary meetings may also be imposed.
10. University Housing Reassignment: Reassignment to another Marian housing facility. Residential Life personnel will decide on the reassignment details.
11. University Housing Suspension: Removal from Marian housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to Marian housing may be specified. Under this sanction, a student is required to vacate Marian housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for Marian housing, the student must gain permission from the Director of Residence Life (or designee). This sanction may include restrictions on visitation to specified buildings or all Marian housing during the suspension.
12. University Housing Expulsion: The student's privilege to live in, or visit, any Marian housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
13. Probation: The student is put on official notice that, should further violations of University policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.
14. Eligibility Restriction: The student is deemed "not in good standing" with the University for a specified period of time. Specific limitations or exceptions may be granted by the Dean of Students and terms of this conduct sanction may include, but are not limited to, the following:
 1. Ineligibility to hold any office in any student organization recognized by Marian or hold an elected or appointed office at the University; or
 2. Ineligibility to represent the University to anyone outside the Marian community in any way including: participating in the study abroad program, attending conferences, or representing Marian at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
15. Suspension: Separation from Marian University for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students. During the suspension period, the student is banned from university property, functions, events and activities without prior written approval from the Dean of Students. This sanction may be enforced with a trespass action as necessary.
16. Expulsion: Permanent separation from Marian University. The student is banned from university property and the student's presence at any University-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.

17. Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Dean of Students or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*:

- a. One or more of the sanctions listed above, specifically *a)* through *i)*, *and n)*, *and o)*;
- b. Deactivation, de-recognition, loss of all privileges (including status as a University registered group/organization), for a specified period of time.

Notifications

M. Parental Notification

The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. Marian may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

N. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or non-forcible sex offense, the University will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether the University concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

In cases where the University determines through the student conduct process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, the University may also release the above information publicly and/or to any third party. FERPA defines "crimes of violence" to include:

1. Arson
2. Assault offenses (includes stalking)
3. Burglary
4. Criminal Homicide—manslaughter by negligence
5. Criminal Homicide—murder and non-negligent manslaughter
6. Destruction/damage/vandalism of property

7. Kidnapping/abduction
8. Robbery
9. Forcible sex offences
10. Non-forcible sex offences

Appeal Processes

O. Failure to Complete Conduct Sanctions

All students, as members of the Marian community, are expected to comply with conduct sanctions within the timeframe specified by the Director of Student Safety, Rights & Responsibilities or Administrative Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the University. In such situations, resident students will be required to vacate Marian housing within 24 hours of notification by the Dean of Students, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life and/or the Dean of Students. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Dean of Students.

P. Appeal Review Procedures

Any party may request an appeal of the decision of the formal hearing process by filing a written request to the Dean of Students, subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

1. GROUNDS FOR APPEAL REQUESTS

Appeals requests are limited to the following grounds:

1. A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed are substantially outside the parameters or guidelines set by Marian University for this type of offense or the cumulative conduct record of the responding student.

Appeals must be filed in writing with the Dean of Students within three (3) business days of the notice of the outcome to the hearing, barring exigent circumstances. Any exceptions are made at the discretion of the Dean of Students and, when appropriate, the Title IX Coordinator.

The Dean of Students will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the reporting party, who may also wish to file a response, request an appeal on the same grounds or different grounds). The Dean of Students will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Title IX Coordinator on any procedural or substantive questions that arise, if pertinent.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the Dean of Students determines whether to refer the appeal to the Appeals Panel or to remand it to the original decision-maker, typically within 3-5 business days. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, a new hearing officer will be assigned to reconsider the matter, which can in turn be appealed, once. Full re-hearings by the Appeals Panel are not permitted. Where new evidence is presented or the sanction is challenged, the Dean of Students will determine if the matter should be returned to the original decision-maker for reconsideration or if it should be reviewed by the Appeals Panel with instruction on the parameters regarding institutional consistency and any applicable legal guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeals Panel must limit its review to the challenges presented.

On reconsideration, the Appeals Panel or original decision-maker may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.

All decisions of the Appeals Panel are to be made within five (5) days of submission to the Panel and are final, as are any decisions made by the original hearing body, Dean of Students (or designee), or Title IX Coordinator as the result of reconsideration consistent with instructions from the Appeal Review Officer.

2. *THE APPEALS PANEL*

Three-member Appeals Panels are drawn from the hearing panel pool, with the following requirements to serve:

1. they did not serve as a hearing officer in any manner for the initial hearing
2. they were not involved in the investigation in any way

The Dean of Students will have final authority to approve all those serving on the panel. The parties may challenge a panelist(s) on the basis of potential bias, and any panelist who cannot render an impartial decision must recuse themselves. The Dean of Students will make the determination as to the validity of any challenge or need for recusal. In the event of a recusal from the panel, the Dean of Students will solicit a replacement from the pool of panelists.

The Director of Student Community Standards and/or the Dean of Students or designee serves as the non-voting advisor to the panel, with responsibility for training the panel, conducting preliminary investigations, and ensuring a fair process for the complainant and responding student.

The presumptive stance of Marian is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Dean of Students, and in consultation with the Title IX Coordinator when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Dean of Students and/or the Title IX Coordinator, in consultation, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.

3. *OTHER GUIDELINES FOR APPEALS*

- All parties will be timely informed the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original decision-maker for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; Witnesses may be called if necessary.
- Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

Disciplinary Records

Q. Disciplinary Records

All conduct records are maintained by Marian University for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) and those that fall under Title IX, which are maintained indefinitely.