

MARIST



CODE OF STUDENT CONDUCT and **RESIDENT STUDENT HANDBOOK**

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CODE OF STUDENT CONDUCT

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PREAMBLE

Application to Marist College indicates a free choice to become part of an academic community, to participate in its programs and to accept the responsibility of membership therein. The College's acceptance of the student in turn represents the extension of the privileges of community membership to the individual and the right to remain a member of the community by meeting the entire academic, financial and behavioral expectations of the College.

Marist College is committed to providing an environment that promotes and values academic learning; institutional and personal integrity; and justice and equality. The College considers all Marist students as its partners in the responsibility of creating and maintaining that environment.

Each student at Marist agrees to be governed by the Code of Student Conduct. The College, through the Office of Student Conduct maintains the responsibility to impose sanctions for any behavior that violates the Code of Student Conduct.

All students at Marist have access to the Code of Student Conduct and Resident Student Handbook (if a resident student). Copies are provided to students at the beginning of their enrollment. Copies of the Code of Student Conduct are available in the Housing & Residential Life Office, Student Affairs, Student Government Association and the Library. In addition, this document is available on line at the following address: <http://www.marist.edu/studentlife/studentconduct/>. Amendments to the Code of Student Conduct are made via the above mentioned website. Although changes are relatively rare, students are responsible for the information contained in this document. Therefore, students are advised to check this website on a regular basis for the latest information.

Students are expected to respect and abide by local ordinances and state and federal statutes both on and off campus. As members of an academic community, students are held accountable to the College's Code of Conduct that clarifies those behavioral standards considered essential to the fulfillment of the College's philosophy, mission and goals.

The Code of Student Conduct is reviewed and updated each academic year. Any changes or amendments made during the academic year will be posted on the Office of Student Conduct website. For more information visit our website at <http://www.marist.edu/studentlife/studentconduct/>.

SECTION I

DEFINITIONS

- A. The term “College” means Marist College.
- B. The term “Student” includes all persons taking courses at the College, both full time and part time, pursuing undergraduate and graduate studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered students.
- C. The term “Student Organization” includes all organizations, both graduate and undergraduate, that are officially recognized by the College and/or funded through Student Government Association.
- D. The term “Faculty Member” means any person hired by the College to conduct classroom activities.
- E. The term “College Official” includes any person employed by the College, performing assigned administrative, professional responsibilities, which includes staff, paraprofessionals and security officers.
- F. The term “College Premises” includes all land, buildings, facilities and other property in the possession of, or owned, used or controlled by the College including adjacent streets and sidewalks. The term “College Premises” also applies to study abroad sites and international programs.
- G. The term “Member of the College Community” includes any person who is a student, faculty member, College official or any other person employed by the College. A person’s status in a particular situation shall be determined by the Vice President for Student Affairs or his/her designee.
- H. The term “Student Conduct Body” means any person or persons authorized by the Vice President for Student Affairs or his/her designee to determine whether a student has violated the Code of Student Conduct and to recommend imposition of sanctions.
- I. The term “Student Conduct Officer” means a College official authorized on a case-by-case basis by the Vice President for Student Affairs or his/her designee to impose sanctions upon students found to have violated the Code of Student Conduct. The Vice President for Student Affairs or his/her designee may authorize a Student Conduct Officer to serve simultaneously as a Student Conduct Officer and the sole member or one of the members of a Student Conduct Body. Nothing shall prevent the Vice President for Student Affairs or his/her designee from authorizing the same Student Conduct Officer to impose sanctions in all cases.
- J. The term “Student Conduct Advisor” means any individual assigned to advise a Student Conduct Body.
- K. The term “Shall” is used in the imperative sense.
- L. The term “May” is used in the permissive sense.
- M. The “Vice President” is that person designated by the President of the College to be responsible for the administration of the Code of Student Conduct.
- N. The term “Policy” is defined as the written regulations of the College as found in, but not limited to, the Student Handbook and the Undergraduate and Graduate Catalogs.
- O. The term “Code” will refer specifically to this document.

- P. The terms “Areas, Facilities, Rooms and Halls” will refer to the residence in which a student lives.
- Q. The term “Keys” is defined as keys, identification cards, or any other technology or equipment used to gain entry or limit access.
- R. The term “Business Day” is defined as Monday through Friday between the hours of 8:30 am and 5:00 pm excluding college-wide closings and holidays.
- S. The term “Guest” is defined as non-Marist individuals who are visiting and/or staying overnight. All guests of first year students must be issued guest passes, which they are required to carry at all times.
- T. The term “Visitor” is defined as a Marist student who is not a registered resident of that facility.
- U. The term “Charged Student(s)” is defined as a student who has allegedly violated the Code of Student Conduct.
- V. The term “Complainant” is defined as any member of the community who alleges in writing that a student has violated the Code of Student Conduct.

SECTION II

STUDENT CONDUCT AUTHORITY

- A. Disciplinary authority in non-academic affairs is under the jurisdiction of the Office of Student Conduct through the Vice President for Student Affairs/Dean of Students and his/her designees. The day-to-day management of the program is the responsibility of the Office of Student Conduct under the direct supervision of the Assistant Dean of Student Life & Development and his/her designees.
- B. In those cases involving academic dishonesty, the Dean of Faculty/Vice President for Academic Affairs shall oversee a separate process described under the Academic Honesty Policy.
- C. The Vice President for Student Affairs shall develop policies for the administration of the Student Conduct program and procedural rules for conducting hearings which are consistent with provisions of the Code of Student Conduct.
- D. Decisions made by the Student Conduct Officer or conduct bodies are final, pending the normal appeals process.

SECTION III

JURISDICTION

Generally, College jurisdiction and discipline shall apply to conduct which occurs on College property and/or College related events which adversely affect the College community and/or the pursuit of its objectives.

The Office of Student Conduct in conjunction with the Vice President for Student Affairs will determine when the College will take action for allegations of off-campus misconduct that also violates College policies and/or Federal, State or local laws, statutes or ordinances.

Marist holds that all individuals who are members of the College community have a responsibility to represent themselves in a lawful and responsible manner at all times. Students who are accepted to study abroad/international program sites may be held responsible for inappropriate behavior and college policy violations that occur when they are studying away from campus.

SECTION IV

PROSCRIBED CONDUCT

Any student or student organization found to have committed the following misconduct is subject to disciplinary sanctions as outlined in Section XI - Sanctions.

A. CONDUCT WHICH IMPACTS THE COMMUNITY

Marist College strives to create an atmosphere that supports the academic mission of the institution. Students should be able to live and learn in an environment that is orderly, peaceful and free of disturbances which impede an individual's growth and development. Respect for the rights of others and for the College and its property is an essential expectation for each Marist student. The following restrictions are seen as necessary for fostering a positive community. Their violation will result in disciplinary action.

Violations

1. **Keys.** Unauthorized possession, duplication or use of keys to any College premises. Students are not permitted to give assigned residence keys to other students or guests.
2. **Unauthorized Entry.** Unauthorized entry to or use of a College private room, building, structure, vehicle or facility.
3. **Disorderly Conduct.** Conduct that is disruptive, lewd or indecent, regardless of intent, which breaches the peace of the community.
4. **Dangerous Objects.** Illegal or unauthorized possession of any firearms. This includes, but is not limited to: recreational guns (for example, air, BB, pellet or paintball), decorative swords, knives, brass knuckles, martial arts equipment, replicas of weapons, or explosives. Other weapons or dangerous chemicals, whether or not in proper working condition, are prohibited.
5. **Arson.** Committing acts of arson, creating a fire hazard, or unauthorized possession or use of flammable materials or hazardous substances.
6. **Safety Regulations.** Including but not limited to:
 - a. Falsely reporting a bomb, fire or any other emergency by means of activating a fire alarm or by any other means.
 - b. Unauthorized possession, use or alteration of any College-owned emergency or safety equipment. This includes, but is not limited to, malicious discharge of a fire extinguisher, which will likely result in a \$150 fine.
 - c. Failure to evacuate a building or other structure during an emergency, or during emergency drills.
 - d. Actions that create a substantial risk such that the safety of an individual is compromised.
 - e. Activation of alarm system due to unauthorized use of fire doors. This will likely result in a \$150 fine.
 - f. Smoking. Smoking is not permitted in any of the residence areas or academic/administrative buildings. This includes individual rooms, apartments, suites, common areas, bathrooms, etc. Anyone smoking outside should be at least 25 feet from any building on campus.

- g. Students who live on campus are strictly prohibited from having any items which could create a fire hazard (for example, candles, extension cords, or appliances, etc.).
7. **Disruption.** Including but not limited to:
 - a. Disruption or obstruction of teaching, research, administration or other College activities, including its public-service functions on or off campus, or other authorized non-College activities, when the act occurs on College premises.
 - b. Leading or inciting others to disrupt scheduled and/or normal activities associated with the operations of the College; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
 - c. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
 8. **Failure to Abide by Federal, State and/or Local Laws.** Including but not limited to possession of a forged instrument, driving under the influence or while intoxicated, possession of an open container (alcohol), and stealing street signs.
 9. **College Policies.** Violation of published College policies, rules and regulations.
 10. **Solicitation and Posting.** The distribution of flyers on campus advertising alcoholic beverages or drink specials is strictly prohibited. All selling and soliciting of merchandise and services on campus is prohibited. Also prohibited is the advertising of such solicitation or sale, as well as any posted materials in common areas that are not specifically approved by the College Activities Office or the Office of Housing and Residential Life.
 11. **Gambling.** Organized gambling is not permitted on College property or at College sponsored events off-campus.

B. CONDUCT ASSOCIATED WITH PERSONAL RESPONSIBILITY AND INTEGRITY

The Marist community strongly promotes a personal values system, which focuses on each person taking responsibility for his/her own actions, and on maintaining dignity and truth. The following restrictions outline the parameters within which each individual shall be held responsible. Their violation will result in disciplinary action.

Violations

1. **Acts of Dishonesty.** Including but not limited to:
 - a. Providing false information to any College official, faculty member or office.
 - b. Forgery, alteration or misuse of any College document, record or instrument of identification, including parking permits.
 - c. Tampering with the election of any College recognized student organization officer.
 - d. Encouraging or assisting another person to violate a College policy.
 - e. Policies regarding academic dishonesty are not covered by this Code. For information on academic dishonesty, see the Student Handbook.
 - f. Use of the College name by student clubs, organizations, teams or individual students organizing events that falsely represent co-sponsorship by Marist College.

2. **Student Identification.** Marist College identification cards and the privileges included therein are the property of Marist College and are non-transferable. The following acts are a violation of College Policy:
 - a. Failure to show proper student identification or other identification to any faculty, staff or student staff in the performance of his/her official duties. All students are required to carry their own identification with them at all times.
 - b. Loaning or using a College-issued identification card for the purpose of accessing services. This includes, but is not limited to, dining facilities, ticket sales, any College- sponsored events (including but not limited to concerts, Broadway trips, and ski trips) and building entry.
 - c. Altering in any way or duplicating an identification card
3. **Failure to Comply.** Failure to comply with reasonable and lawful requests or directives of College officials or law enforcement officers acting in performance of their duties and/or interference with faculty, staff, or student staff acting in the performance of their official duties.
4. **Damage to Property.** Any action that causes damage or which would tend to cause damage to the property of the College or property of a member of the College community or other personal or public property.
5. **Theft.** Including but not limited to:
 - a. Attempted or actual theft of College property or services or property belonging to any member of the College community.
 - b. The unauthorized possession of College property or property belonging to any member of the College community.
 - c. Unauthorized use or abuse of computer time and/or computer systems, information, passwords or computerized data.
 - d. Obtaining or attempting to obtain telephone service by any devious means, including but not limited to: unauthorized charging of another person for service, utilizing fraudulent mechanical means to gain service and/or tampering with connections, facilities or documents.
6. **Alcohol Policy.** The College is concerned with the use and abuse of alcohol, as it is with other drugs. A person is as responsible for his/her behavior when he/she has been drinking as when he/she has not been drinking. The alcohol policy states that the consumption of alcohol in conjunction with the violation of any College policy can result in a more severe disciplinary sanction. Any student found intoxicated may be transported to St. Francis Hospital for medical evaluation. In those cases, the parents of transported students will be notified. The College is not responsible for any costs incurred based upon the need to transport an intoxicated student. Any student who refuses medical treatment for alcohol intoxication will be denied access to campus facilities. In a case when a student refuses medical treatment parents will be notified. The following guidelines for the responsible consumption of alcohol apply to students at Marist College.
 - a. Students under 21 years of age may not be in the presence of, possess or use alcoholic beverages on the College campus except as expressly permitted by law and College policy. The only exception is the underage student who resides with students of legal drinking age who may be in the presence of alcohol in the assigned residence; provided these underage roommates do not distribute, sell, possess or consume alcohol.

- b. The possession or use of alcohol by anyone who lives in designated freshmen and sophomore residence areas (Sheahan, Leo, Champagnat, Marian, Midrise, Gartland and designated sophomore areas in Foy Townhouses and the Residence Inn) is strictly prohibited even if those resident students are over 21. The only exception is the student who serves as Resident Assistant or Assistant Resident Director if that student is 21 years of age or over. With these exceptions, the use of alcohol is restricted to the privacy of the staff member's room.
- c. Alcohol shall not be consumed in public areas of the residence facilities.
- d. Consumption of alcohol and/or possession of an open container are not permitted on the grounds of the campus without prior approval of the Vice President for Student Affairs.
- e. Any violation in which consumption of alcohol was a contributing factor is also a violation of the alcohol policy regardless of the age of the students involved.
- f. Alcohol may be consumed by students or guests over 21 years of age only in student apartments/townhouses if the residents responsible for the apartments/townhouses are at least 21 years of age and live in residence areas where alcohol is permitted (Upper and Lower New Townhouses, Foy Townhouses, Upper and Lower West Cedar, Talmadge Court, and Fulton Street Townhouses). Consumption includes the possession of an open container.
- g. If a student resides in a residence unit (apartment or townhouse) where the majority of students are over 21, only those students over 21 may purchase, possess or consume alcohol. If all members of the residence are over 21 years of age, the group may sponsor an event where alcohol is consumed. Specific guidelines for sponsoring such an event are available from the student's Resident Director or from the Office of Housing & Residential Life.
- h. Residents are responsible for the actions of their guests regarding alcohol possession and use.
- i. Public intoxication is strictly prohibited.

Marist College, as part of its educational mission, seeks to assist students in developing appropriate attitudes and behavior regarding the use of alcohol. To this end the College offers educational programs regarding the negative health and social effects of alcohol consumption. For those individuals who have developed or begin to develop identifiable problems as a result of their alcohol use, a variety of services are available through the College's Counseling Center located on the third floor of the Student Center (ext. 3314).

7. **Drug Policy.** Students may not be in the presence of, possess, or use narcotics or other controlled substances except as expressly permitted by law. Any student who is struggling with an addiction to any narcotic or controlled substance may seek help at the College's Counseling Center located in Donnelly Hall (ext. 3314). Possession with the intent to sell or distribute narcotic or controlled substances will likely result in dismissal from the College. Any drug related violation of College policy will be considered a violation of the Drug Policy.

8. **Drug and Alcohol Paraphernalia.**

- a. Any items that can be utilized for or are designed for the use of illegal drugs (e.g., bowls, bongos, hookahs, related heating devices, etc.) are not allowed in the residence areas. Any items that are fashioned for the purpose of drug use will also be considered a violation of this policy.
- b. Empty containers related to alcohol (i.e.: liquor bottles, beer cans or bottles) are prohibited in first and second year residence areas where students are not allowed to consume alcohol because they are under 21 years of age.
- c. Empty or full kegs, beer balls or any other large containers of alcoholic beverages designed for consumption by a group of people are prohibited on campus-operated property, except as in conjunction with a campus sponsored event and approved by the Vice President for Student Affairs. Violation of this policy will result in a \$150 fine. The possession of any implement that can be used to irresponsibly ingest alcoholic beverages is prohibited (e.g., funnels, drinking game devices, beer pong tables, etc.) and **any such implements may be confiscated by the College and not returned.**

9. **Abuse of the Student Conduct System.** Including, but not limited to:

- a. Failure to obey the summons of a student conduct body or College official.
- b. Falsification, distortion or misrepresentation of information before a student conduct body. This will also result in additional conduct charges being filed.
- c. Disruption or interference with the orderly conduct of a disciplinary proceeding.
- d. Institution of a disciplinary proceeding knowingly without cause by filing a false report or statement.
- e. Attempting to discourage an individual's proper participation in, or use of, the conduct system through intimidation or any other means.
- f. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the student conduct proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a conduct body prior to, during, and/or after a student conduct proceeding.
- h. Failure to comply with the sanction imposed under the Code.
- i. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

10. **Electronic Use Policy.** Misuse or abuse of the College computer system, voice mail or telephone services as defined by the College. (see College Network Usage Agreement available at <http://infosecurity.marist.edu/netuse.html>).

This includes but is not limited to:

- a. Unauthorized use or abuse of your computer account or the College network.
- b. Sending abusive or threatening messages to students, faculty or staff.
- c. Repeatedly sending messages with no appropriate intent.
- d. Accessing a student or staff account without authorization.
- e. Using a College office account to send messages without authorization.
- f. Failure to comply with college policies on computers, networks, voice mail and telephone services.
- g. E-mail solicitation.

C. CONDUCT WHICH VIOLATES THE DIGNITY AND/OR SAFETY OF AN INDIVIDUAL

Marist recognizes that it must create an environment where each person's individual dignity will be valued. In a college setting, it is particularly important that there be a respect for diversity and differences in opinion, as the College is dedicated to providing a comprehensive educational experience that prepares individuals to be able to function in a diverse society. Students deserve to be free from fear of harassment or physical abuse. Especially intolerable are bias-related incidents: acts directed against individuals based on race, religion, ethnicity, gender or sexual orientation. Therefore, bias-related incidents, harassment, or physical abuse shall subject the offender(s) to more serious levels of sanctioning. Additionally, bias-related incidents may also be a violation of State law, and students may be subject to prosecution. The College shall also impose more severe sanctions upon those individuals who direct misconduct at individuals because they are carrying out duties assigned to them as staff members, on the basis that staff members deserve to be free of harassment, intimidation, harm or threat of harm in the performance of their duties. The following restrictions are designed to protect the dignity and safety of the individual. Their violation will result in disciplinary action.

Violations

1. **Harassment. Actions which are intended to annoy, instill fear, and/or threaten the safety, mental, or physical health of another. Actions directed against an individual or group based on race, religion, ethnicity, gender or sexual orientation are very serious violations of this policy and will subject the offender(s) to more serious levels of sanctioning.** These include but are not limited to:
 - a. Attempting or threatening to subject another person to unwanted physical contact.
 - b. Pursuing or following another person in or about a public place or places.
 - c. Non-consensual communication, including but not limited to: initiating or attempting contact by any means with no purpose of legitimate conversation; written letters; e-mail; text messaging; instant messaging; voicemail; unwanted gifts; surveillance or other types of photographing or observation; trespassing; vandalism; and non-consensual touching.
 - d. Directing obscene language or gestures at another person or group of people.
 - e. Directing verbal abuse at another person because the individual is carrying out duties and responsibilities associated with his/her role as faculty, staff or student staff at the College.
 - f. Distributing information about another individual without their consent using paper, electronic or telecommunication devices. Examples include but are not limited to: on-line journals, blogs, instant messages, text messages, and digital recording devices.

2. **Hazing.** New York State Law and Marist College policy prohibit hazing. New York State Penal law provides as follows:

§120.16 Hazing in the first degree.

A person is guilty of hazing in the first degree when in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury. Hazing in the first degree is a Class A misdemeanor. (Note: punishable by up to one (1) year imprisonment or fine up to \$1,000 or both.)

§120.17 Hazing in the second degree

A person is guilty of hazing in the second degree when in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person. Hazing in the second degree is a violation (Note: Punishable by up to 15 days imprisonment, or fine up to \$250 or both.

In addition, Marist College considers hazing as any action or situation created by an individual, group, organization, or team intentionally or unintentionally, whether on or off College premises, to produce mental or physical discomfort, embarrassment, harassment, ridicule, or in any way demean the dignity of another human being. The planning or preparation to engage in hazing activity is also a violation of this policy. The expressed or implied consent of the participants will not be a defense.

Examples may include, but are not limited to the following: forced consumption of beverages including but not limited to alcohol, water, milk; paddling in any form; creation of excess fatigue; "kidnapping"; physical and/or psychological shock; engaging in public stunts, morally degrading or humiliating games; wearing signs with inappropriate language/slogans; shaving of heads or forcing or requiring a particular hair cut; or any other activities or behavior inconsistent with the law and/or College policies. No individual or group may haze another individual or group at any time including initiation into or the affiliation with any organization, group, or team. Initiations, however explained, or activities that imply, force, encourage, condone or allow students to misuse alcohol or other drugs, or violate the law, or commit unethical, immoral or inappropriate behavior are forbidden. Hazing does not build strong organizations, groups, teams or traditions. Rather, it is a means of abuse and humiliation. Therefore, hazing of any kind is strictly prohibited by the College and subject to disciplinary action.

3. **Sexual Misconduct.** Including but not limited to:

- a. The act of sexual intercourse without consent.
- b. Any intentional and uninvited sexually explicit touching, or attempt or threat of such touching.
- c. Any engagement in sexual activity with another person without their consent.

Note: The act of consent requires spoken words or behavior that indicates, without doubt to either party, a mutual agreement to participate in sexual intercourse or other sexual activities. Indicators of consent do not include silence or past or present sexual relationships. A person is deemed incapable of consenting when that person is mentally defective, mentally incapacitated, physically helpless (whether induced by drugs, alcohol, or otherwise) or asleep.

The use of alcohol or other drugs cannot be considered an excuse for rape or sexual assault. Sexual Misconduct can be committed by a friend, significant other, acquaintance or stranger.

Victim's Rights as Related to Sexual Misconduct. Because the College values the dignity of each member of its community, the College wants to ensure the individual rights of anyone from this community who reports sexual assault or rape. Therefore, the College endorses and upholds the rights listed in the Victim's Rights Section.

4. **Physical Assault. Actions directed against an individual or group based on race, religion, ethnicity, gender or sexual orientation are very serious violations of this policy and will subject the offender(s) to more serious levels of sanctioning.** Including but not limited to:
 - a. Inflicting bodily harm upon any person.
 - b. Taking any action for the purpose of inflicting harm upon any person.
 - c. Threatened use of force upon any person.
 - d. Subjecting another person to unwanted physical contact.

Marist College does not tolerate any form of physical assault by any member of the college community occurring on or off campus. Any student found in violation of physical assault may be suspended or dismissed from the College.

5. **Reckless Endangerment.** Taking any action that creates a substantial risk such that bodily harm could result to any person. These include but are not limited to:
 - a. Objects or people on window ledges.
 - b. Use of weapons of any kind for any purpose.
 - c. Throwing objects, (e.g., snowballs).
 - d. Use of fireworks.
 - e. Jeopardizing the physical or emotional safety of oneself or another. (e.g., excessive consumption of alcohol or drugs).

D. REGULATIONS SPECIFIC TO RESIDENCE LIVING

In attempting to create an environment where learning and daily life can proceed without disruption, it is necessary to establish regulations specifically designed for the unique atmosphere of residence living. Regulations, however, are not effective without each resident assuming responsibility for their own actions, and assuming shared responsibility for the environment. The restrictions described in the Resident Student Handbook have been developed to promote both individual and community responsibility in the residence halls. Please review them carefully. Any violation of these restrictions will result in disciplinary action.

SECTION V

VIOLATION OF LAW AND COLLEGE DISCIPLINE

- A. If a student is charged only with an off-campus violation of Federal, State or local law, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed by the Vice President for Student Affairs or his/her designee for grave misconduct which demonstrates flagrant disregard for the College community.
- B. College disciplinary proceedings may be instituted against a student charged with a violation of a law that is also a violation of the Code, for example, if both violations result from the same factual situation, without regard to the status of civil litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- C. When a student is charged by Federal, State or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his/her status as a student. If the alleged offense is also the subject of a proceeding before a student conduct body under the Code, however, the College may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters will be handled internally within the College community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

SECTION VI

THE OFFICE OF STUDENT CONDUCT

- A. The Office of Student Conduct has been delegated the responsibility to administer the student conduct system. The operations of the Office shall be the responsibility of the Conduct Officer. Responsibilities of the Office include but are not limited to:
1. Reviewing complaints and determining charges to be filed pursuant to the Code of Student Conduct.
 2. Investigating cases and conducting Disciplinary Conferences.
 3. Determining which student conduct body shall hear each case.
 4. Interviewing and advising parties involved in disciplinary proceedings.
 5. Supervising the selection, training and advising of all campus justices and hearing officers.
 6. Reviewing the decisions of all conduct bodies.
 7. Resolving disputes and contested issues that arise out of alleged cases of student misconduct.
 8. Maintaining all student disciplinary records resulting from enforcement of the Code of Student Conduct.
 9. Collecting and disseminating data concerning student conduct system actions.

SECTION VII

STUDENT CONDUCT POLICIES

Charges and Hearings

- A. Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and sent to the Director of Student Conduct, who is in turn responsible for the administration of the student conduct system.
- B. The Student Conduct Officer and/or his/her designee may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively in a Disciplinary Conference by mutual consent of the parties involved on a basis acceptable to the Student Conduct Officer. If the charges cannot be disposed of through a Disciplinary Conference, the Student Conduct and/or his/her designee may later serve in the same matter as the student conduct body.
- C. If the charges cannot be disposed of through a Resident Director Disciplinary Meeting or a Disciplinary Conference, the Student Conduct Officer shall select one of the following student conduct bodies to resolve the case: College Hearing Panel or Administrative Hearing.
- D. All charges shall be presented to the charged student in written form. A time shall be set for a hearing, the minimum time limit for which is determined by the level at which the case shall be resolved. The Student Conduct Officer may not reduce the minimum time limit without the signed consent of the charged student.
- E. Hearings shall be conducted by either a College Hearing Panel, or Administrative Hearing Panel according to the following guidelines:
 1. Hearings shall be closed to the public.
 2. All cases will be presented by the Office of Student Conduct.
 3. Admission of any person to the hearing shall be at the discretion of the conduct body and/or its Student Conduct Advisor.
 4. In hearings involving more than one charged student, the Student Conduct Officer, at his/her discretion may permit the hearings concerning each student to be conducted separately.
 5. The complainant and the charged student have the right to be assisted by any advisor they choose provided the advisor is not an attorney. The student may, at his/her own expense, be accompanied by an attorney when there is a pending criminal case or when there is a reasonable likelihood that a criminal complaint will be brought against the student arising out of the same facts as the charge(s). In cases where criminal charges are not pending, the Conduct Officer shall be the sole authority responsible for determining whether an attorney may serve as an advisor. Attorneys are subject to the same restrictions as other advisors. Any student who elects to be accompanied by an attorney must notify the Conduct Officer at least three (3) business days in advance of the hearing.
 6. The complainant, the charged student and the student conduct body shall have the privilege of presenting witnesses, subject to the right of questioning by the student conduct body.
 7. Pertinent records, exhibits and/or written statements may be accepted for consideration by a student conduct body at the discretion of the Conduct Advisor.

8. All procedural questions are subject to the final decision of the chairperson of the conduct body, in consultation with its Conduct Advisor. Administrative Hearings may be conducted without a Conduct Advisor.
 9. After the hearing, the student conduct body shall determine (by majority vote if the student conduct body consists of more than one person) whether the student has violated each section of the Code of Student Conduct, which the student is charged with violating.
 10. The conduct body's determination shall be made on the basis of whether or not there is a preponderance of evidence which supports the finding of a violation, indicating that it is more likely than not that the charged student violated the Code of Student Conduct.
 11. At the College Hearing Panel, and Administrative Hearing levels, there shall be a single, verbatim record, such as a CD recording, of all hearings. The record shall be the exclusive property of the College. Upon written request, the Office of Student Conduct shall provide a copy of the recorded proceeding at cost and with a minimum of three (3) business day's notice solely to a charged student who is requesting access to this information for the purpose of filing an appeal.
- F. If a student charged with violating College policy fails to attend a scheduled hearing, the hearing will be held in the student's absence and the student will be assumed to have entered a claim of Not in Violation to each allegation forfeiting his/her ability to present information on his/her behalf. The Conduct Officer shall then investigate to determine why the student did not attend the hearing. If the Conduct Officer determines that the absence is inexcusable, the decision of the hearing shall stand. Otherwise, the Conduct Officer may grant a new hearing.
- G. Except in the case of a student charged with failing to obey the summons of a student conduct body or College official, no student may be found to have violated the Code of Student Conduct solely because the student failed to appear before the student conduct body. In all cases, the information in support of the charges shall be presented and considered.
- H. Formal rules of process, procedure, and/or technical rules of evidence such as applied in criminal court are not used in student code proceedings.

SECTION VIII

STUDENT CONDUCT BODIES AND HEARINGS

The College shall establish appropriate student conduct bodies that may conduct hearings concerning alleged violations of the Code and determine responsibility and appropriate sanctions. These bodies shall include:

A. Resident Director Disciplinary Meeting

Resident Directors shall be empowered to hear cases of alleged misconduct in and immediately around the residence facilities. Charged students will be notified in writing of the charges and the date and time to meet with the Resident Director (RD) to discuss the case and either accepts the sanctions imposed by the RD or request a Disciplinary Conference. The student will also be notified of the procedure for submitting a written request for a Disciplinary Conference if the student does not accept the finding of the Resident Director. Should the student accept the finding of the Resident Director, the decision will be considered final, without the right to an appeal.

In sanctioning at this level, Resident Directors will be empowered to impose sanctions up to and including Probation and recommend to the Director of Housing & Residential Life that a student be moved to another resident facility, as well as imposing other educational sanctions. Resident Directors may not impose Disciplinary Probation, nor may they recommend Disciplinary Suspension, Disciplinary Dismissal, Residence Hall Suspension or Residence Hall Dismissal.

If a charged student fails to appear at a scheduled Resident Director Disciplinary Meeting following proper written notification, the designated Resident Director may review the evidence in support of the charges and render a decision. Findings and sanctions, if applicable, will be based on the information, not upon the charged student's failure to appear. The decision rendered by the Resident Director may be appealed in writing to the Office of Student Conduct within three business (3) days of the decision, but cannot be appealed on the basis that the student did not attend the Disciplinary Meeting, as a failure to appear constitutes a forfeiture of the right to present information.

If the Resident Director learns that the student's failure to appear at a scheduled Disciplinary Meeting is for good cause, the Resident Director may reschedule the conference. The Resident Director shall be the sole authority for determining the validity of an absence.

B. Disciplinary Conference

A Disciplinary Conference may be held at any level of the student conduct process if all parties agree to such a resolution and where the charged student acknowledges violations of the Code. In the Disciplinary Conference, the Conduct Officer and/or his/her designee shall review all available information and determine violations of the Code of Student Conduct and appropriate sanction(s).

1. The charged student shall be notified in writing at least three (3) business days prior to the scheduled Disciplinary Conference. The Conduct Officer may withdraw any charge deemed to be without basis. The Conduct Officer may not reduce the minimum notification without the signed consent of the charged student.
2. If the substantive facts and sanction(s) can be agreed upon by the Conduct Officer and the charged student(s), a disciplinary action agreement may be prepared and signed by both. A signed disciplinary action agreement shall constitute an acceptance of the finding and sanction(s). The decision will be considered final; without right to an appeal and/or hearing.
3. If the substantive facts and sanction(s) cannot be agreed upon, the matter shall be referred to a hearing.
4. If a charged student fails to appear at a scheduled Disciplinary Conference following proper written notification, the designated Conduct Officer may review the information in support of the charges and render a decision. Findings and sanctions, if applicable, will be based on the information and not upon the charged student's failure to appear. The decision rendered by the Conduct Officer may be appealed within three (3) business days of the decision, but cannot be appealed on the basis that the student did not attend the Disciplinary Conference, as a failure to appear constitutes a forfeiture of the right to present information.
5. If the Conduct Officer learns that the student's failure to appear at a scheduled Disciplinary Conference is for good cause, the Conduct Officer may reschedule the conference. The Conduct Officer shall be the sole authority for determining the validity of an absence.

C. College Hearing Panel

The College Hearing Panel shall be composed of one- two students and two - three faculty/staff members drawn from a pool of no fewer than seven students and eight faculty/staff members. The composition of the panel will be determined the Conduct Officer based on the gravity of the allegation and the level of potential sanctioning. This panel shall hear cases, which involve allegations of misconduct that occur both on and off campus. A case may be deemed serious if an alleged student has a significant past record or, if found in violation of the charges, the sanctions may result in a recommendation of suspension or dismissal. The sanctioning ability of the College Hearing Panel shall include all sanctions noted in the Code of Student Conduct, including the recommendation of suspension or dismissal to the Suspension Review Panel. In all College Hearing Panel hearings, the charged student shall be notified of the time and place of the hearing at least four (4) full business days in advance. There is no statute of limitations for infractions that would result in a hearing at this level.

D. Administrative Hearing Panel

An Administrative Hearing Panel may be held at the discretion of the Conduct Officer. This panel shall be composed of a minimum of one (1) faculty/staff member and a maximum of three (3) faculty/staff members assigned by the Office of Student Conduct. In these instances, all procedures will be based on hearing level as described above.

SECTION IX

STUDENT RIGHTS

Students should expect that disciplinary proceedings will be handled fairly. All Marist students charged with violating the Code shall be granted the following student rights:

- A. A student has the right to a hearing by an unbiased student conduct body.
- B. A student has the right to have an advisor present at the hearing, provided that the individual is not an Attorney. (Exceptions to this rule can be found in the Code under Section VII, E, 5).
- C. A student has the right to written notice of the charges indicating the time and place of the hearing. Proper written notification shall be defined as the delivery of mail to a student's on-campus mailbox or delivery by the U.S. Post Office (with Certificate of Mailing) to a student's local off-campus address. Students shall be held responsible for the contents of mail for which they have refused receipt.
- D. A student has the right to receive a copy of written report(s) stating the circumstances and allegations involved. This information shall generally be given to the student at the time that they receive notification of the time and place of the hearing.
- E. A student has the right to object to a Board/Panel member or Hearing Officer who is serving in the capacity of student conduct body. The Conduct Advisor will determine the validity of the objection.
- F. A student has the right not to present information against himself/herself.
- G. A student has the right to hear and respond to all information presented against him/her. This includes the right to question all parties through the student conduct body.
- H. A student has the right to present information and witnesses in his/her own behalf.

- I. A student has the right to written notification of the results of a hearing no later than ten business days after the hearing.
- J. A student has the right to appeal the outcome of a hearing, except in cases of accepted Resident Director or Disciplinary Conference decisions. A student must be informed of their right to appeal and the process by which to do so.

SECTION X

VICTIM'S RIGHTS

When a member of the Marist community has been the victim of an alleged act of misconduct which violates the physical and/or mental welfare of an individual, the victim should expect that the student conduct system shall respond in a caring, sensitive manner which allows the victim to utilize the student conduct process unimpeded, while still maintaining the rights of the charged student. In cases including but not limited to sexual misconduct, physical assault, hazing and harassment, the following rights shall be provided to victims of alleged offenses:

- A. A victim has the right to be treated with dignity and compassion by the conduct body and by all persons involved in the disciplinary process.
- B. A victim has the right to information pertaining to the campus conduct process and appropriate referrals for information on the criminal process.
- C. A victim has the right to information pertaining to counseling assistance available to him/her.
- D. A victim has the right to assistance throughout the conduct process, including the right to have an advisor present at all proceedings, provided that the individual is not an Attorney. (Exceptions to this rule can be found in the Code under Section VII, E, 5).
- E. A victim has the right to all student rights and protections provided to charged students, including the right to written notification of a hearing, the right to hear all information presented, the right to present information and witnesses, the right to verbal disclosure of the results of a hearing, and the right to appeal imposed sanctions.
- F. A victim has the right to testify from another location as long as it does not infringe upon the rights of the charged student to have a fair hearing.
- G. A victim has the right to have any unrelated past behavior (including past sexual behavior in cases involving sexual misconduct) excluded from the hearing process. The conduct body shall determine what constitutes unrelated behavior.
- H. A victim has the right to submit a written impact statement to the conduct body which will be considered only in sanctioning, should there be a finding of violation against the charged student.
- I. A victim has the right to privacy throughout the student conduct process in relation to campus and other media and from all other uninvolved parties.
- J. A victim has the right to expect to be free from intimidation and harassment throughout the student conduct process.
- K. A victim has the right to request that campus personnel take the necessary steps reasonably available to prevent unwanted contact or proximity with the charged student(s).
- L. A victim has the right to appeal the sanctions imposed upon the charged student(s). For more information on the appeals process, please see Section XIII.

SECTION XI

SANCTIONS

A. The following sanctions may be imposed, by a conduct body, upon any student found to have violated the Code of Student Conduct.

1. **Written Warning.** Written notice to the student that his/her actions are inappropriate and the individual must act more responsibly in the future. A Written Warning also indicates that should the individual again be referred for disciplinary action more serious sanctions will be assigned.
2. **Probation.** A notice to the student that his/her actions are of a serious nature within the College community. Probation shall be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College policies during the probationary period. For resident students, any violation committed during the probationary period will result in a review of the student's housing assignment. This sanction results in the loss of two (2) priority points.
3. **Deferred Residence Hall Suspension.** A definite period of observation and review. If a student is again found responsible for any further College policy violations including failure to complete previously imposed sanctions or adhere to previously imposed conditions, restriction from College-operated housing and housing grounds will be immediately imposed for a definite period of time. This sanction results in the loss of four (4) priority points.
4. **Residence Hall Suspension.** Removal of the student from the residence facility for a definite period of time, after which the student is eligible to return. Conditions for readmission will be specified. This sanction results in the loss of six (6) priority points. (Please note that students suspended from the residence facility for disciplinary reasons will not be entitled to any refund of residence fees).
5. **Residence Hall Dismissal.** Permanent removal of the student from the residence facility. (Please note that students dismissed from the residence facility for disciplinary reasons will not be entitled to any refund of residence fees).
6. **Disciplinary Probation.** A notice to the student that his/her actions are unacceptable within the College community. This sanction shall be primarily used in cases of serious or consistent policy violations. Disciplinary Probation shall be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College policies during the probationary period. Any violation committed during the probationary period will result in a review of the student's status at Marist. This sanction results in the loss of five (5) priority points.
7. **Deferred Suspension from the College.** A definite period of observation and review. If a student is again found responsible for any further College policy violations including failure to complete previously imposed sanctions or adhere to previously imposed conditions, at minimum, the student will automatically be recommended for suspension for a minimum of one semester. This sanction results in the loss of six (6) priority points.
8. **Disciplinary Suspension.** A recommendation to the Suspension Review Panel which calls for the separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The Suspension Review Panel shall review the

- recommendation and determine the final sanction, pending appeal. (Please note that students suspended for disciplinary reasons will not be entitled to any refund of tuition or residence fees). Unless otherwise noted, students who are suspended for disciplinary reasons are also banned from all College grounds, facilities, classes and college sponsored activities on or off campus for the duration of the suspension.
9. **Disciplinary Dismissal.** A recommendation to the Suspension Review Panel that calls for permanent separation of the student from the College. The Suspension Review Panel shall review the recommendation and determine the final sanction, pending appeal. (Please note that students dismissed for disciplinary reasons will not be entitled to any refund of tuition or residence fees). Unless otherwise noted, students who are dismissed for disciplinary reasons are also banned from all College grounds, facilities, classes and college sponsored activities on or off campus.
 10. **Loss of Privileges.** Denial of specified privileges for a designated period of time. These include, but are not limited to:
 - a. A restriction from hosting visitors and/or guests.
 - b. A restriction from being a visitor in or entering a specified Residence Facility.
 - c. Restriction from College-sponsored extracurricular activities both on and off campus (including Senior Week and Commencement).
 - d. Other restrictions, as approved by the Student Conduct Officer.
 11. **Substance Education Program.** A workshop, in person or online, addressing substance abuse education issues. Referral to an off-campus education diversion program may also be recommended.
 12. **Restitution.** Compensation for loss, damage or injury. This may take the form of appropriate community service and/or monetary or material replacement.
 13. **Monetary Fines.** The College generally does not impose fines for violations of the Code of Student Conduct. However, fines will be imposed for violations that impact the health and/or safety of members of the Marist Community. Please refer to the Alcohol Policy, Windows/Doors, Walls Policy, and the Fire and Safety Regulations for specific information.
 14. **Mandated Room Reassignment.** A notice that the behavior merits the immediate relocation of the student to another campus residence. This decision will be made in conjunction with the Office of Housing and Residential Life.
 15. **Mandated Counseling Assessment.** The student must attend an assessment and/or session in the Counseling Center or an off-campus licensed facility by a specific date. Unless otherwise stated by the student conduct body, the student is required to follow all recommendations made by the Counseling Center or off-campus licensed facility as a result of the assessment.
 16. **Discretionary Sanctions.** Work assignments, community service, and other related sanctions that meet with the approval of the Director of Student Conduct. Other sanctions include but are not limited to:
 - a. Letters of apology/thank you
 - b. Essay or research paper on assigned topic
 - c. Disqualification from future housing selection process
 - d. Program presentations

- B. More than one of the sanctions listed above may be imposed for any single violation.
- C. Other than Disciplinary Suspension and Disciplinary Dismissal, disciplinary sanctions shall not be made part of the student's permanent record but shall become part of the student's confidential disciplinary record maintained in the Office of Student Conduct.
- D. In some instances, a student conduct body may recommend sanctions to the Conduct Officer, based on a lack of detailed knowledge of how the sanction will be developed and supervised. In those instances, the sanction may be developed by the Conduct Officer, who will determine if the sanction is appropriate, and whether or not to create a new sanction that is directly proportionate to the recommended sanction. The Conduct Officer shall report his/her sanction back to the student conduct body to ensure consistency.
- E. The following terms shall apply to all Disciplinary Suspensions and Disciplinary Dismissals, unless otherwise noted by the Vice President for Student Affairs.
 - 1. The individual is restricted from all College grounds, facilities, classes and college sponsored activities on or off campus for the duration of the suspension.
 - 2. The individual must petition the Assistant Dean of Student Life & Development to receive permission for any amendment to the restriction noted in #1.
 - 3. At the discretion of the Assistant Dean of Student Life & Development, a student who was suspended may be required to meet specific conditions once readmitted to the College.

SECTION XII

INTERIM SANCTIONS

- A. In certain circumstances, the Vice President for Student Affairs, the Assistant Dean of Student Life & Development or his/her designee, may impose a Disciplinary Suspension, Residence Hall Suspension, Mandated Room Reassignment or other restrictions prior to the hearing before a student conduct body.
- B. In certain circumstances, the Director of Housing & Residential Life or his/her designee, may impose a Residence Hall Suspension, Mandated Room Reassignment or other restrictions prior to the hearing before a student conduct body.
- C. In all cases, Interim Sanctions will be imposed only:
 - 1. To ensure the safety and well-being of members of the community or preservation of College property; or
 - 2. To ensure the student's own physical or emotional safety and well being; or
 - 3. If the student poses a definite threat of disruption and/or interference with the normal operations of the College; or
 - 4. If the student has violated the Code of Student Conduct or College policies while residing in summer or break housing.
- D. During an Interim Suspension, students shall be denied access to the residence facilities and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Affairs, the Assistant Dean of Student Life & Development or his/her designee may determine to be appropriate.

- E. Whenever an interim sanction is imposed, the Office of Student Conduct shall convene a hearing at the earliest possible time, pending normal student rights requirements. The interim sanction may remain in effect until a final decision has been reached, including any appropriate appeals process, at the discretion of the Vice President for Student Affairs of his/her designee.

SECTION XIII

APPEALS

- A. A decision reached or sanction imposed by a student conduct body may be appealed by the charged students or complainants to the appropriate appeal body within five business days of initial written receipt of the decision. Such appeals shall be in writing and shall be delivered to the Conduct Officer or his/her designee. Complainants may only appeal sanctions imposed for misconduct, not the finding of violations. Appellate bodies shall only consider written information that is available at the time that a request for an appeal is being reviewed.
- B. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the proceedings and/or supporting documents for one or more of the following purposes:
1. **Procedural Error.** To determine whether the original hearing was conducted fairly in light of the charges and information presented, and in conformity with the prescribed procedures giving the complaining party a reasonable opportunity to prepare and present information that the Code of Student Conduct was violated, and giving the charged student a reasonable opportunity to prepare and to present a rebuttal of those allegations. Deprivation of Student Rights shall be considered Procedural Error.
 2. **Unsupported Conclusion.** To determine whether the decision reached regarding the charged student was based on substantial information, that is, whether the facts in the case were sufficient to establish that a violation of the Code of Student Conduct occurred.
 3. **Disproportionate Sanction.** To determine whether the sanction(s) imposed were appropriate for the violation of the Code of Student Conduct which the student was found to have committed.
 4. **New Information.** To consider new information, sufficient to alter a decision or other relevant facts not brought out at the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.
- C. The student conduct body reviewing the appeal may, after reviewing all available information, elect to:
1. Affirm the finding and sanction originally determined.
 2. Affirm the finding and modify the sanction. In cases where the charged student is the appealing party, the sanction may be reduced or increased by the conduct body reviewing the appeal.
 3. Remand the case to the original conduct body for a new hearing, except in cases where the complainant is the appealing party.
 4. Dismiss the case, except in cases where the complainant is the appealing party.

- D. Since deference shall be given to the determinations of student conduct bodies:
1. Sanctions should only be increased or reduced if found to be grossly disproportionate to the gravity of the offense, precedent for similar offenses and/or the charged student's prior disciplinary record.
 2. Cases should be remanded to the original conduct body if specified procedural errors were so substantial as to effectively deny the charged student a fair hearing.
 3. Cases should be dismissed only if the finding of the conduct body is held to be arbitrary and capricious.
- E. Generally, the imposition of sanctions will be deferred during the period of appellate proceedings.
- F. Appeals of decisions will be reviewed in the following manner:
1. All appeals will be screened by the Student Conduct Officer to ensure they meet the criteria established above for the filing of an appeal. If the appeal does not meet one of the four criteria it will be denied by the Student Conduct Officer. In cases where the Conduct Officer served in the role of student conduct body, the Assistant Dean of Student Life & Development or his/her designee shall appoint another individual to review the appeal.
 2. Decisions of Resident Directors will be reviewed by the Director of Student Conduct or his/her designee.
 3. Decisions of the, College Hearing and Administrative Hearing Panels at this level shall be reviewed by the College Appeals Committee.
 4. Recommendations of Disciplinary Suspension or Disciplinary Dismissal imposed by the College Hearing Panel or Administrative Hearing officer(s) will be reviewed by the Suspension Review Panel.
 5. Suspension/Dismissal decisions of the Suspension Review Panel may be appealed in writing within five business days of initial receipt of the decision to the Vice President for Student Affairs.
 6. If the Suspension Review Panel does not uphold a recommendation for Suspension or Dismissal, the decision may be appealed in writing within five business days of initial receipt of the decision to the College Appeals Committee.
- G. The College Appeals Committee
1. Shall be composed of two faculty/staff members and one student justice who has been assigned on a yearly appointment to the Committee. The Director of Student Conduct or his/her designee shall appoint the justices.
 2. Shall be supervised in its deliberations by the Conduct Officer, unless the Conduct Officer has served in the capacity of student conduct body for the case under review. In such instances, the Assistant Dean of Student Life & Development or his/her designee shall select another administrator to supervise the proceedings of the Committee.
- H. The Suspension Review Panel
1. Shall be composed of two faculty/staff members and one student justice who has been assigned to a yearly appointment to the Committee. The Director of Student Conduct or his/her designee shall appoint the justices.
 2. Shall be supervised in its deliberation by the Conduct Officer, unless the Conduct Officer has served in the capacity of conduct body for the case under review. In such instances, the Vice President for Student Affairs or his/her designee shall select another administrator to supervise the proceedings of the Panel.

SECTION XIV

INVOLUNTARY LEAVE AND WITHDRAWAL OF STUDENTS FOR MEDICAL REASONS

A student will be subject to leave/withdrawal for medical reasons if the Case Consultation Team (the Director of Health Services, the Director of Counseling Center, the Director of Housing and Residential Life and/ or the Vice President of Student Affairs designee) concludes, on the basis of clear and convincing evidence, that the student is suffering from a medical or mental health disorder, as defined by the current American Psychiatric Association diagnostic manual or its equivalent; and, further, that as a result of the condition, the student engages or threatens to engage in behavior that poses a danger of causing harm to the student or to others, or disrupts the activities of other members of the campus community.

A detailed description of the policy and procedures can be found at the following websites:

<http://www.marist.edu/healthservices/>

<http://www.marist.edu/counseling/>

<http://www.marist.edu/studentlife/studentconduct/>

<http://www.marist.edu/housing/>

SECTION XV

WINTER AND SUMMER SESSIONS

During the period between full academic semesters, all College discipline will be handled as established below.

- A. All reports will be reviewed by the Director of Student Conduct or her designee who will determine whether or not disciplinary charges are warranted.
- B. If the incident under review occurred during the spring semester but was unable to be handled prior to the summer, the Director of Student Conduct will review the complaint and determine what policies have been violated and what sanctions are merited. Notification of the decision will then be sent to the student's permanent address, unless it is known by the College that the student is residing at another location. The charged student shall have the option to accept the decision, or to file notice with the Office of Student Conduct within thirty (30) calendar days of the date of the letter and request a hearing for the alleged violations. Should the charged student accept the finding of the Director of Student Conduct, they will be expected to comply with the sanctions according to the time line established in the letter of notification.
- C. In the event where the Conduct Officer believes that Disciplinary Suspension or Disciplinary Dismissal could be an outcome, an Administrative Hearing will be convened at the earliest possible time, at the discretion of the Conduct Officer. Should it not be possible to resolve the case during the summer, a hearing will be held at the beginning of the fall semester.
- D. If the student is known to be attending Marist during the summer sessions when an incident occurs, the case may be handled under the guidelines that apply during the regular academic year, and the Conduct Officer shall serve as the conduct body. Any appeal of a decision made at this level that does not include Disciplinary Suspension or Disciplinary Dismissal shall be heard at the beginning of the fall semester.

SECTION XVI

DISCIPLINARY FILES AND RECORDS

- A. The Office of Student Conduct shall maintain disciplinary records and a disciplinary tracking system, which shall include, but not be limited to, the charged student's name and related information, description of the incident, parties involved, Code violations, sanctions and other data deemed relevant by the Office of Student Conduct. Such information shall be maintained in accordance with the provisions of the Federal Educational Rights and Privacy Act. Disciplinary records shall be made available to conduct bodies and College officials designated in the Code of Student Conduct as necessary.
- B. Students may arrange to review their own disciplinary records by contacting the Office of Student Conduct. Except as provided in the Code of Student Conduct and by College policy regarding parental notification or pursuant to a lawfully issued subpoena, the College shall not communicate a student's disciplinary record and related information to any person or agency without the prior written consent of the student.
- C. Student's confidential record may be expunged of disciplinary actions, other than Disciplinary Suspension or Disciplinary Dismissal seven years after the final disposition. All cases in which a student received the sanction of Disciplinary Suspension or Dismissal are permanent and will not be expunged.

SECTION XVII

ACADEMIC HONESTY

The Academic Honesty Policy is administered through the Division of Academic Affairs. Please see the Student Handbook for details regarding procedures for allegations of academic dishonesty.

SECTION XVIII

INTERPRETATION AND REVISION

- A. Any question of interpretation regarding the Code shall be referred to the Vice President of Student Affairs or his/her designee.
- B. The Code shall be reviewed annually under the direction of the Conduct Officer.

SECTION XVIII

SAFETY REGULATIONS

All buildings are equipped with fire alarm systems. For your safety, whenever the fire alarm sounds, evacuate the building immediately. Fire alarm pull stations are located near the exits. Treat all alarms as the real thing – assume nothing! Behavior of any kind, which inadvertently activates a fire alarm, will be subject to disciplinary action. Failure to evacuate an area may also result in disciplinary action.

EMERGENCY RESPONSE PLAN

If a fire emergency occurs, your actions can make the difference between a minor event and a disaster.

1. Notify other occupants in the room or apartment to evacuate.
2. Close the door to the affected area.
3. Activate the nearest fire alarm system.
4. Leave the building. Do NOT use the elevator. CRAWL low in smoke. Close all doors behind you.
5. Security will evacuate the building.
6. If a person's clothing should catch fire, douse the individual with water (use a Safety Shower if one is readily available) or have the individual drop to the floor and roll. If necessary, physically restrain the person and roll them around the floor to smother the flames. Use a fire extinguisher if one is readily available.

EVACUATION PROCEDURES

College buildings are to be evacuated immediately under the following conditions:

1. Fire alarm.
2. Power outage affecting chemical fume hoods.
3. When notified by a college official, fire or police personnel.
4. Threat to life and health as determined by individual good judgment, e.g., hazardous chemical spill, dangerous gas leak, explosion, natural disaster, etc.

If you are asked to evacuate the building or hear a fire alarm, do the following:

1. Stop work immediately.
2. Rapidly proceed to the nearest exit in an orderly manner and close all doors behind you. Building Evacuation routes are posted on each floor of each building.
3. Never Use Elevators
4. Reconvene outside and away from the building to insure everyone has left the building - SEE BUILDING MEETING LOCATIONS.
5. If you know of someone who is having trouble leaving the building, REPORT it immediately to someone who is handling the emergency.
6. NEVER re-enter the building until a representative from the Office of Safety and Security or the Fire Department has given permission.

GENERAL FIRE SAFETY POLICIES

1. Make a reasonable effort to extinguish small fires by using fire extinguishers or turning off electrically driven equipment.
2. No storage of personal items or placement of furniture or boxes in exits, corridors or stairwells.

3. Do not overload electrical outlets or use extension cords.
4. Handle flammable liquids with care.
5. Do not leave appliances unattended in kitchens.
6. Good housekeeping is essential for a fire safe residence.
7. If your clothes catch fire, stop-drop-roll.
8. The doors within a building, especially in stairways and in corridors, are required to meet state and local fire codes. Doors in stairwells must never be propped open. Open doors will allow the spread of smoke and fire to the exits, rendering them useless.
9. Identify and walk through your emergency escape routes so that you will be familiar with them in the event of a fire.
10. Know where the building meeting location is in the event of an emergency evacuation.
11. All buildings on Marist College property are smoke free. Smoking outside is permitted, however, you must be AT LEAST 25 feet from the building.

The following locations are areas where students should report during an emergency evacuation:

Residence

Champagnat Hall
 Foy Upper Townhouses
 Lower Fulton Street Townhouses
 Upper Fulton Street Townhouses
 Gartland Commons
 Leo Hall
 Lower Townhouses
 Lower West Cedar Townhouses
 Marian Hall
 Midrise
 Sheahan Hall
 Talmadge Court
 Upper West Cedar Townhouses

Meeting Location

Marian Quad
 Sidewalk west of Lowell Thomas & Dyson
 Lower Fulton Quad
 East Parking Lot
 Fontaine Parking Lot
 Knoll in front of Leo
 Riverview Parking Lot
 Sidewalk
 Marian Quad
 Campus Green
 Knoll in front of Sheahan
 Cross Street to park
 Sidewalk

ADJACENT LAND AND WATERFRONT PROPERTIES

Along the eastern bank of the Hudson River, not all land is owned by the College. The College (with the support of appropriate authorities) does not tolerate the invasion of these lands by members of our community. Any invasion of these private properties will be pursued by the Office of Student Conduct. Therefore, unauthorized gatherings are not permitted along the riverfront, whether on college property or on adjacent land. When alcoholic beverages or illegal substances are discovered, they will be confiscated and appropriate sanctions will be imposed on those found to be in violation of policy. The same policy applies to lands adjacent to campus residence areas such as the railroad tracks by the main campus and next to the lower and upper West Cedar Apartments.

PEDESTRIAN AND MOTORIST RESPONSIBILITIES ON ROUTE 9

Please read the following information carefully and if you have any questions contact the Office of Safety and Security (telephone 845-471-1822; e-mail John.Gildard@marist.edu).

ENFORCEMENT BY LOCAL POLICE AND MARIST SECURITY

The Town of Poughkeepsie Police Department will enforce the laws in regard to both motorists (speeding & no turn on red) and Pedestrians (crossing when the “don’t walk” indicator is displayed or not crossing at intersections). Marist security staff will also monitor Pedestrian activity at the crosswalks. When stopped on campus by Marist Security, students are required to identify themselves and/or produce valid ID.

PEDESTRIAN RESPONSIBILITIES

The New York State Vehicle and Traffic (V & T) Law has been publicized to provide for the safe use of the highways by all our residents and visitors including both motorists and Pedestrians. Both Motorists and Pedestrians, who fail to obey the V & T law, risk not only injury or death but could also receive a traffic ticket. Just as a person who fails to stop at a red light can receive a summons, a Pedestrian can also receive a summons for (a) failure to obey a traffic signal that prohibits them from crossing until the signal light indicates that it is safe to do so; and (b) crossing a roadway in violation of posted signs prohibiting such crossing.

The State Traffic Law regarding Pedestrians who cross at crosswalks regulated by Traffic Lights requires Pedestrians to obey the traffic signals when using crosswalks at intersections controlled by traffic lights. It is a violation of the State Traffic Law for a person to cross when a “don’t walk” signal is displayed and the person can receive a traffic summons (ticket) from the police. This violation is commonly known as “jaywalking.”

It is also unlawful for Pedestrians to walk on the roadway when sidewalks are provided. Pedestrians at uncontrolled crosswalks (no traffic light) are not permitted to suddenly leave the curb/sidewalk so that it is impractical for a motorist to stop.

- Receiving a ticket for “jaywalking” requires the violator to attend a court hearing and if found guilty can result in a fine, possibly as high as \$100.00.
- Students who receive two or more summonses from the Town Police or citations from Marist Security in a semester will face student conduct action and may be placed on disciplinary probation.

MOTORISTS RESPONSIBILITIES

Motorists are required to obey all traffic laws. The V & T Law requires motorists to exercise due care to avoid collisions with pedestrians and bicyclists using the roadways. When no traffic control device (traffic light) is in place at the crosswalk, motorists are required to yield the right of way to a pedestrian within the crosswalk.

EMERGENCY CALL BOXES

Emergency call boxes are located in numerous areas on campus. If you need to reach the Security office, you need only to follow the directions on the box to call the Security Office. These call boxes are located in the following areas on Campus:

Beck Place - East Lot/Beck Place - West Lot

Boat House

Foy Townhouses

Fulton Street Townhouses - Parking Lots and Center Sidewalk

Gartland E - North Parking Lot

Hoop Lot - Lower/Hoop Lot - Upper

Lower West Cedar - P Block/Lower West Cedar - R Block

McCann - North side by some emergency doors

Riverview

Sheahan - bottom of steps in Parking Lot

St. Ann's Garage

Steel Plant - North Side, facing Beck Lot

Student Center - Rear Loading Dock

Talmadge Court

Upper West Cedar - T Block/Upper West Cedar - V Block

Upper West Cedar - W Block/Upper West Cedar - Laundry Room

OFF – CAMPUS STUDENT INFORMATION

Marist students are expected to respect and abide by local ordinances and state and federal statutes both on and off campus. As members of the academic community,, students are held accountable to the College's Code of Student Conduct that clarifies those behavioral standards considered essential to the fulfillment of the College's philosophy, mission and goals.

The Office of Student Conduct, in conjunction with the Vice President for Student Affairs, will determine when the College will take action for allegations of off-campus misconduct that also violate College policies and/or federal, state or local laws, students or ordinances.

Students living off campus should review the College's Code of Student Conduct and familiarize themselves with campus policies, procedures and sanctions.

VIOLATION OF LAW AND COLLEGE DISCIPLINE

- A. If a student is charged only with an off-campus violation of Federal, State or local law, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed by the Vice President for Student Affairs or his/her designee for grave misconduct which demonstrates flagrant disregard for the College community.
- B. College disciplinary proceedings may be instituted against a student charged with a violation of a law that is also a violation of the Code, for example, if both violations result from the same factual situation, without regard to the status of civil litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

- C. When a student is charged by Federal, State or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his/her status as a student. If the alleged offense is also the subject of a proceeding before a student conduct body under the Code, however, the College may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters will be handled internally within the College community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

GOOD NEIGHBOR POLICY

One of the most important things you must do while you are getting settled into your apartment/house is to meet the neighbors. A relationship that starts off on the right foot is more likely to have open communication throughout your time off campus. It is recommended that you exchange phone numbers with your neighbors. Having done this, you are more likely to get a call from them than a visit from the police. When you are away from your apartment for winter and spring breaks, your neighbors will be an asset in maintaining the security of your belongings if you have a positive relationship with them. Remember, your neighbors have living in this community for many years and deserve your respect and cooperation as a Marist student.

TOWN & CITY OF POUGHKEEPSIE NOISE ORDINANCE

Between the hours of 10:00PM and 7:00PM the noise ordinance for the town and city are in effect, prohibiting “unreasonable noise”. A violation may result from a noisy party or social gathering, screaming, loud music, shouting or taxi cabs honking their horns outside your residence.

In the City, you will have to appear in court with possible fines of up to \$300 and jail time. In the Town, the first violation conviction shall be punishable by a fine of \$250 per resident with repeat violations up to a \$1000 fine.