



**SAINT MICHAEL'S**  
**COLLEGE** FOUNDED  
1904

**Student Life Office | Colchester, VT 05439**

**Student Code of Conduct**  
**&**  
**College Policies**

**2023-2024**

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Dear Saint Michael's College Student:

It is with a great deal of pleasure that I welcome you to Saint Michael's College.

The policies and guidelines outlined in the following pages reflect a comprehensive effort by the College President, Board of Trustees, faculty, staff, and students to update and maintain campus policies. Please familiarize yourself with these policies as you will be responsible for abiding by them. You may also want to refer to the Saint Michael's College Catalog for more detailed information on academic policies.

Saint Michael's College prides itself on providing a campus community where opportunities exist for students to learn and grow both in and out of the classroom. I encourage you to participate as fully as possible in the variety of academic, social and volunteer programs offered on campus. I trust that the academic year will be one of learning and growth for you.

Sincerely,

Dawn Ellinwood  
Vice-President of Student Affairs / Dean of Students

Jeff Vincent  
Associate Dean of Students  
Director of Residential Life and Community Standards

## **IMPLICATIONS OF THE MISSION OF SAINT MICHAEL'S COLLEGE FOR THE STUDENT CODE OF CONDUCT**

“The mission of Saint Michael’s College is to contribute through higher education to the development of human culture and enhancement of the human person in the light of the Catholic faith.” Saint Michael’s strives to be an academic community, which promotes the pursuit of truth, the development of virtue, and high levels of excellence in all of its academic, social and religious programs with a view to bettering the human condition.

This is the mission of the academic community, which you have joined as a student at Saint Michael’s College. It is a community in which all members are expected to dedicate themselves to the pursuit of truth, a dedication in which honesty and integrity in academic work is a basic requirement for students and faculty alike.

Saint Michael’s is also a community in which students are expected to demonstrate and develop virtue, i.e., their personal dispositions to think and act in ways that contribute to the goodness of their relationships with others and with God. Among the virtues which Saint Michael’s expects in its students are the courage to act on one’s principles and in accordance with one’s conscience, the will to work hard in preparation for one’s life and career, the intelligent use of one’s talents and abilities, and the acceptance of personal responsibility, including the willingness to take initiative and to lead.

It is especially important in the Saint Michael’s community for each student to respect the dignity and rights of all other persons, to be attentive to the opinions and views of others and to demonstrate a respect for cultural diversity. A Saint Michael’s student should be unselfish and fair in relation to others, have personal commitment to serve those in need and to promote peace and justice both within the College and in the world outside. Saint Michael’s also expects reliability in its students, self-control, and respect for themselves and others; especially in personal relationships and in decisions surrounding the use of alcohol or other drugs. Of course, the behavior of the Saint Michael’s students should always be characterized by common sense and good judgment.

This handbook describes various principles, which you are expected to abide by while a member of this community. Even more basic to the mission of Saint Michael’s, however, is your development as a human person “in light of the Catholic faith.”

We therefore hope that all your thoughts and actions will be guided by the principles, which Jesus Christ re-affirmed:

*“You shall love the Lord God with all your heart, and with all your soul, and with all your mind, and with all your strength.*

The second is this:

*You shall love your neighbor as yourself. There is no other commandment greater than these.” (Mark 12:31-32)*

## **STUDENT CODE OF CONDUCT AND COLLEGE POLICIES**

### **Introduction**

Saint Michael's College requires all students to adhere to certain policies and regulations. These policies and regulations exist to assure a setting wherein the educational purposes of the College may be achieved.

The purpose of the disciplinary process is to provide a fair system of adjudication in light of the college community's expectations about personal accountability and responsibility.

For questions related to academic policies or procedures, please refer to the College Catalog or visit the Office of the Dean of the College.

### **General Regulations**

Saint Michael's College policies and regulations call for a high degree of personal responsibility on the part of every student to promote individual and collective growth as well as the general welfare of both the student body and of Saint Michael's College as a whole. Students have an obligation to know and follow the regulations of Saint Michael's College.

These policies and regulations apply to any and all lands leased or owned by Saint Michael's College as well as to any location where a student is engaged in a College activity.

These policies and regulations apply to any student of the college regardless of in person or online learning, all delivery modes and all locations, both undergraduate and graduate students.

These policies and regulations apply regardless of your student role on campus; athlete, intern, student employee, student volunteer, or student leader.

Students are responsible for the actions of their guests within the context of this Code.

Any student assisting in the alleged violation of any provision of this Code may be charged as a responsible participant.

### **Off Campus Violations**

The College reserves the right to take disciplinary action against Saint Michael's College students involved in any off-campus incidents of criminal or non-criminal behavior where such behavior is deemed by the College to have significant bearing on one's relationship with the College community.

The following actions are deemed to be irresponsible and therefore are prohibited by this Code. Also prohibited are violations of any College rule, regulation or policy as stated in the Student Code of Conduct, posted on College bulletin boards, contained in student contracts or otherwise published or promulgated by the College Code of Conduct violations may result in any of the disciplinary sanctions outlined in this handbook.

### **Disrespect for Persons and Property**

Actions or statements that demonstrate disrespect for persons and/or property, including but not limited to the following, are prohibited:

- Assaulting, striking or in any way threatening or causing physical harm to another.
- Physical, verbal and/or other prohibited harassment towards individuals/groups.
- Any instance of sexual misconduct.
- Saint Michael's College has adopted a statement on harassment which states the College's opposition to any form of harassment prohibited by law. College policy also includes procedures to be followed in the event of an incident of harassment.
- Destruction, damage, misuse or vandalism of property by deliberate or intended acts.
- Trespassing upon or forced entry onto Saint Michael's College premises.
- Violation of the College guest policy.
- Engaging in an act that would violate criminal laws applicable where the act was committed, regardless of whether a criminal prosecution or criminal conviction occurs.
- Any student charged with a criminal or civil offense must immediately notify the Dean of Students Office of the nature of the allegations and any stipulations placed on the student by the Court of jurisdiction.
- Violation of the College policy on hazing (by individuals and/or organizations).
- Possession or use of firearms or weapons.
- Tampering with or misusing fire alarms, fire-fighting equipment or safety equipment.
- Solicitation or sales in violation of the Solicitation policy.
- Violation of the Alcohol and Other Drug Policy.
- Violation of Saint Michael's College Residence Hall Policies.
- Failure to comply with the reasonable direction of any College official and/or their authorized agent(s) acting in the performance of the student's duties.
- Operation of a vehicle in violation of traffic rules or in a manner which endangers persons or property.

- Violation of College policy on animals.
- Ejecting objects from windows or balconies of College buildings. Wrongful Utilization of Goods, Services or Information.

Wrongful utilization of goods, services, and/or information including, but not limited to, the following, is prohibited:

- Theft of any property or services from another person, group of people, corporation or other legal entity or association, or Saint Michael's College.
- Embezzlement, fraud, or procurement of money, goods, or services under false pretenses.
- Knowing possession, purchase or receipt of stolen property, money or services.
- Issuance of any check which lacks sufficient funds for its payment.
- Unauthorized use and/or abuse of College computer systems, access codes, or restricted computer services area.
- Falsely reported information entered on an administrative record or presented at an administrative hearing.
- Theft, damage, destruction, or misuse of Saint Michael's College property, facilities, or services.
- Any willful act with the intent of interrupting the service functions of the Institution.
- Habitual Violations, After Written Warning of Any Campus Policy or Regulation

Saint Michael's College is concerned for the overall well-being of all students and strives to provide adequate care and follow-up in all physical and mental health situations. Any student who verbally, behaviorally, or electronically indicated a safety threat to themselves, to another person or to the community will be immediately referred to the local resources for crisis intervention.

## **JUDICIAL SYSTEM AND DISCIPLINARY PROCEDURES**

### **Administration**

Student infractions of College policies, rules, or regulations will fall under the jurisdiction of the Office of the Dean of Students.

Disciplinary action usually begins with the witnessing of an action or event by a public safety officer, a residence hall staff member, a member of the College administration, faculty, staff or other student, which appears to violate a College policy, rule or regulation. An individual wishing to report an incident should contact an official in the Office of the Dean of Students. An individual may be requested to submit a written complaint providing additional detail.

If the alleged incident is considered by the College to constitute a potential violation of a College policy, rule or regulation, the disciplinary process will be initiated. In such cases, the accused student will be notified of the alleged violation, and a reasonable opportunity will be given to the student to discuss the alleged violation with an appropriate official from the Office of the Dean of Students. Said official shall resolve the case following such discussion, or the opportunity for such discussion and any reasonable investigation the official may wish to conduct. In the event a student is found responsible for the alleged violation; a sanction shall be specified in accordance with the terms and definitions provided in this policy and the student shall be provided written notice of the sanction. If the conduct at issue involves harassment or discrimination on the basis of sex, sexual misconduct, or sexual violence, additional procedural elements will apply.

### **Judicial System**

**Judicial Review Board:** The Judicial Review Board will hear cases referred to it by the Dean of Students or the student's designee. The Dean shall review all cases involving serious or repeated infractions of College policies, rules, or regulations including all cases which, in the opinion of the Dean, could result in suspension or expulsion from Saint Michael's College. In any case referred to the Judicial Review Board, accused students shall have a right of hearing before the Board.

The Judicial Review Board shall consist of seven members appointed annually: three students appointed by the President of the Student Association, two faculty members appointed in accordance with faculty regulations, and two administrators appointed by the President of the College. The Judicial Review Board shall be convened by the Dean of Students or the student's representative. The Board will meet at regular intervals for training as well as to hear cases brought to its attention. The Board shall elect its own chairperson.

In the event that there are not seven members of the Board available, the Board may elect from within itself a three-member Board, consisting of one student, one faculty member and one administrator, which may hear a case and recommend appropriate findings.

The Judicial Review Board shall recommend sanctions to the Dean of Students.

The Vice President for Student Affairs shall have the power to review any decision of the Judicial Review Board and to reverse or modify any decision.

### **Procedural Guarantees**

- **Notice:** Prior to answering charges before the Judicial Review Board, the student shall be informed in writing of the specific charges which will be addressed at the disciplinary hearing. Said written notice shall be provided in sufficient time (no less than three days prior to the hearing) to ensure the student an opportunity to prepare for the hearing.
- **Disqualification:** No member of the Judicial Review Board who is otherwise interested or involved in a particular case shall participate in a matter. This disqualification shall be at the discretion of the majority of the Review Board.
- **Right to Assistance:** The student appearing before the Review Board has the right to choose a support person from within the Saint Michael's College community to assist throughout the process. No legal counsel nor family members will be allowed as support persons nor attend the hearing.
- **Proof and Process:** Those person(s) bringing the complaint are responsible for providing proof of the charge to the Board, which will determine whether it is more likely than not that the potential violation occurred. Accused and accusing students, and anyone bringing a complaint forward, be allowed to make a statement, to respond to questions from the Board, and to make a closing statement.
- **Right to Appeal:** Students found responsible for violations have a right to appeal the board's determination regarding a violation and/or the Dean of Students determination of sanctions. Within 10 working days after the student receives notification of the decision, the student may file an appeal. The appeal must be submitted in writing to the Vice President for Student Affairs and state the grounds of the appeal. Upon receipt of an appeal, the Vice President for Student Affairs may review the matter as the student deems appropriate. The decision of the Vice President for Student Affairs is final.
- **Student Status Pending Final Action:** Pending final action on the charge, the status shall not be altered in any way unless the Dean of Students determines that the continued presence in class or on-campus might endanger his or her own safety or well-being, or that of other members of the College community. Appeals of interim action may be made to the Vice President for Student Affairs.
- **Residential Review / Senior Residential Review:** An administrative hearing where a student's behavior is discussed with members of the Residence Life / Dean's Staff. The Residential Review Conference will be called for more serious or repeat offenses of the Student Code of Conduct. Appropriate expectations and sanctions

will be discussed with the student. Results of the Residential Review may be presented to the Dean of Students for referral to the Judicial Review Board.

Various combinations of professional and graduate level staff will be assigned to hear cases as appropriate in order to best meet the needs of both the student and the community.

- **Administrative Hearing:** A hearing where a student's behavior is discussed with sanctioning officers from the Office of Community Standards and Student Conduct. Appropriate expectations and sanctions will be discussed. The vast majority of violations of the Student Code of Conduct are seen at this level.

## DISCIPLINARY STATUS SANCTIONS

Saint Michael's College's response to Code of Conduct violations may include the following sanctions, among others:

- **Warning:** A sanction consisting of a written statement to a student offender that the student has violated a particular College policy, rule or regulation and warning that subsequent difficulties should not occur. The statement shall be placed in the student life's file in the Dean of Students Office and may be removed according to conditions specified by the Office of the Dean of Students.
- **Probation:** A sanction consisting of a written statement to a student offender that the student has violated a particular College policy, rule or regulation and that any subsequent infraction during a stated period of probation may result in suspension or expulsion. A student may be excluded from college activities and privileges as a result of probationary status. The period of probation is determined by the individual responsible for imposing the sanction. That statement shall be placed in the student's file in the Office of the Dean of Students and may be removed according to conditions specified by the Office of the Dean of Students.
- **Disciplinary Suspension:** A sanction consisting of a written statement to a student offender that the student has violated a particular College policy, rule or regulation. Suspension shall mean exclusion from classes, from presence on campus, and from all other privileges or activities for a definite period of time.

The statement of suspension shall be placed in the student's file in the Office of the Dean of Students and may be removed according to conditions specified by the Office of the Dean of Students.

In cases of suspension a student must reapply for admission by writing a letter of request to the Dean of Students.

- **Expulsion:** A sanction consisting of a written statement to a student offender that the student has violated a particular College policy, rule or regulation. Expulsion shall mean immediate dismissal from the College. The statement of expulsion shall be placed in the student's file in the Office of the Dean of Students but may be removed at any time according to conditions specified by the Office of the Dean of Students.

### Other Disciplinary Sanctions

- **Residential Relocation:** A sanction that moves a student to another area of on-campus housing.
- **Eviction from Residence:** A sanction that terminates a students' ability to remain in on-campus housing. This eviction may be permanent or for a certain period of time to be

determined by the Student Life Office and may include specific weekends throughout the course of the year.

- **Weekend Evictions** are issued in order to temporarily separate a student from the residential community. Weekend evictions involve the student leaving the campus after the student's last class of the week and returning on Sunday afternoon. Specific arrangements will be made between the Office of Residence Life and the student.

During a Weekend Eviction the student may not participate in any aspect of the College's residential program. The student may be on campus to participate in academic or religious activities only unless specific permission is obtained by the Office of Residential Life prior to the requested activity.

- **Weekend Eviction with a written plan:** A sanction that allows a student to stay on campus in lieu of a Weekend Eviction. This sanction may be for a certain period of time to be determined by the sanctioning officer and may include specific weekends throughout the course of the year. The Weekend Written Plan must be turned in to the sanctioning officer prior to the weekend sanctioned. Additionally, the student must make phone contact with the AD/RD on duty on Thursday, Friday, and Saturday as a means of accountability and support. Although a student is allowed to stay on campus, they are to have an academic only relationship with the College. All extracurricular activities will be suspended for the weekend assigned.

## **Further Definitions and Applications of Sanctions**

### **Sanctioning Officer**

Definition: The sanctioning officer refers to the representative of the Student Life Office that meets with the student who has violated one or more College policies. During the meeting, the incident is discussed and appropriate follow-up for the student, usually in the form of sanctions, is determined.

Application: For most first-time and minor violations, the Resident Director will usually meet with the student. Assistant / Associate Deans will meet with students for repeated or major first-time violations. As a student progresses through the Judicial System, other individuals and review boards will get involved, including but not limited to the Residential Review Conference, Senior Residential Review Conference, Director of Residence Life, Dean of Students, or Judicial Review Board. (although not necessarily in this order). Keep in mind that this is a "general" overview and that any Student Life Staff member can meet with a student at any time, depending on the circumstance.

### **Disciplinary Warning**

Definition: A sanction consisting of a written statement to a student offender that the student has violated a particular College policy, rule or regulation and warning that subsequent

difficulties should not occur. The statement shall be placed in the student's file in the Dean of Students Office and may be removed according to conditions specified by the Office of the Dean of Students.

Application: A Disciplinary Warning is the most common sanction for first-time, medium-level violations. A student does not need to do anything when they receive a warning – only make good decisions with the understanding that further violations may result in them being placed on Probation.

### **Active Sanction**

Definition: Active Sanction is defined as a student being asked to do something for the student's personal development, education, or to give back to the student's community. It usually consists of one or more of the following and usually includes a reflection paper to be completed afterward:

- Planning and implementing a bulletin board or program for a specified living area; Assisting with the coordination of a specified campus event.
- Attending a specified campus event (program, lecture, etc.).
- Participating in Community Service (unless already specified as a separate part of the sanction).

Application: The active sanction is usually used as a lower level sanction. Different staff members have different ways of implementing this sanction. Some ways include:

- Verification (written or verbal) from an RA or other staff member; Verification from the sponsor of the event.
- Contact made between staff member and student at the event
- Completion of a paper.

### **Attend Choices Class(es)**

Definition: Choices is a confidential discussion group for students about alcohol and/or other drug use and abuse. The group, which meets every 2-3 weeks, is facilitated by one or more of the Personal Counselors. Students who are involved in alcohol and/or drug violations may be sanctioned to attend one or more sessions.

Application: Students who attend Choices will have the opportunity to “sign in” so that the Personal Counselors can share their name with Residence Life staff. After each class, the Personal Counselors will provide the Office of Community Standards and Student Conduct with a list of those in attendance.

### **Attend Respect & Responsibility Classes(es)**

Definition: Respect and Responsibility is a workshop designed to reach out to those students who have had multiple involvements in the judicial process to assist them in becoming a positive member of the Saint Michael's community and make positive decisions in the future. The class

will be facilitated by Student Life staff members on a rotating basis and will meet at regular intervals throughout the semester.

**Application:** All sanctioning officers will receive a schedule of Respect and Responsibility classes at the beginning of each semester. The sanctioning officer and student will agree on the meeting(s) that will be attended, and what, if any, follow-up meetings or reflections should take place. After each class, the names of those in attendance will be provided to the Associate Directors.

## **Community Service**

**Definition:** Community Service is defined as a student asking to give back to the community after violating one or more policies. It is sometimes offered to students (upon their request) in order to reduce the amount of a fine. Other times it is a sanction itself in addition to others.

Community Service can take one of four forms: In-Hall, MOVE, Campus, or Off-Campus.

- **In-Hall:** The student works for the Resident Director to help with assigned tasks in the residential area. Examples of this could be helping the custodial staff in the building helping, an RA or RD with a hall program, or helping the RD with other operational tasks such as hall closing or opening.
- **MOVE:** The student participates in one or more activities with MOVE by signing up on the bulletin board in Alliot. The student does not need to inform MOVE that the student is being sanctioned to do the service. They need to simply complete the service, and, if requested by the sanctioning officer, turn in documentation of the service and/or a reflection paper.
- **Campus:** The student works with a specific campus office (arrangements made between sanctioning officer and specific office) to help with a specific project to better the campus. Examples of this could be working with Physical Plant (custodial or grounds), Public Safety (fire extinguisher checks), or Student Activities (large campus events such as concerts, dances, etc.).

Please note that this option is only available if the campus office(s) agrees to it and if the student's assistance would be of help to that office. Depending on the time of year, workload, or staffing levels, offices may or may not wish to participate.

- **Off-Campus:** The student may participate in an off-campus community service activity either in the local community or in their home community if there is a school vacation coming up. This is helpful when none of the other options are possible, or if the student has a standing commitment with an outside organization. Since this option is not affiliated with Saint Michael's, documentation of the service is usually requires.

**Application:** The sanctioning officer and student will agree on the type of service, number of hours, completion date, and if documentation of service or a reflection paper is necessary. All of this information should be documented on the sanction form.

## **Disciplinary Probation**

Definition: A sanction consisting of a written statement to a student offender that the student has violated particular College policy, rule, or regulation and that any subsequent infraction during a stated period of Probation may result in suspension or expulsion. A student may be excluded from College activities and privileges as a result of a Probationary status. The period of Probation is determined by the individual responsible for imposing the sanction. The statement shall be placed in the student's file in the Office of the Dean of Students and may be removed according to conditions specified by the Office of the Dean of Students.

Application: Probation is the highest level of sanctioning in the Saint Michael's judicial system. Students are placed on Probation after repeated violation of College policies, OR for first-time violations that are very serious in nature. Students on Probation may be subject to the loss of privileges on campus, including but not limited to parking, Smuggler's Notch Pass, Cultural Pass, extracurricular activities including athletics, the ability to participate in certain aspects of the Room Lottery process, or the ability to remain on campus for weekends.

Students may be placed on Probation by any sanctioning officer at or above the Assistant / Associate Dean level. The length of Probation will be determined by the sanctioning officer and will be listed on the sanction form or in the sanction letter that the student receives. The length of Disciplinary Probation usually ranges in three month increments, but is dependent on the severity of the issue and judicial history.

## **Eviction / Weekend Eviction**

Definition: A sanction that terminates a student's ability to remain in on-campus housing. This eviction may be permanent or for a certain period of time to be determined by the Student Life Office, and may include specific weekends throughout the course of the year.

Application: Weekend evictions have proven to be an effective sanctioning tool, by asking students who make poor decisions to remove themselves from the residential community for one or more weekends. Students who are placed on Disciplinary Probation are frequently issued one or more weekend evictions. The specific weekends will be determined by the sanctioning officer. During a Weekend Eviction, the student may not participate in any residential activities and may not be in any residential areas from the end of their classes for the week or 4:00pm on Friday (whichever comes first) and may return after 3:00pm on Sunday. The student may, however, go to the library, chapel, gym, the academic buildings, and Alliot (only for the purpose of having meals in the Dining Hall). The student is to have an academic only relationship with the college for the specified eviction time.

## **Weekend Written Plan**

Definition: A sanction that allows a student to stay on campus in lieu of a Weekend Eviction. This sanction may be for a certain period of time to be determined by the sanctioning officer, and may include specific weekends throughout the course of the year.

Application: The Weekend Written Plan must be turned into the sanctioning officer prior to the weekend sanctioned. Additionally, the student must make phone contact with the AD/RD on duty on Thursday, Friday, and Saturday as a means of accountability and support. Although a student is allowed to stay on campus, they are to have an academic only relationship with the College.

All extracurricular activities will be suspended for the weekend assigned.

## **Fine**

Definition: Fines are usually issued for first- and second-time minor violations and are an automatic part of most sanctions. Fines are generally issued to serve as a deterrent to ensure that a behavior does not occur again. Monies collected from fines are used for various hall and campus programs as well as to improve the living environment in the residence halls.

Application: Fines can be assigned by any sanctioning officer. The student and sanctioning officer will agree on a due date for the fine.

Students have one option for paying their fine- having it charged to their student account.

## **Referred to Campus Offices**

Definition: There are times when students may be referred to other campus offices as part of a judicial sanction. A referral typically fits into one of two categories. The first category is to assist a student with one or more issue(s) that he or she may be experiencing and would benefit from one or more services that an office can provide. Examples of this would be Wellness Center (medical), Personal Counseling within the Wellness Center (counseling), Career Development Office (career services), Academic Affairs (academic difficulties), and Edmundite Campus Ministry (spiritual).

The second category for a campus referral would be to help the student to establish a positive connection on campus through involvement in one or more activities. Examples of this would be MOVE (community service), Student Activities (involvement in campus clubs or groups), Wilderness Programs (outdoor activities), and Athletics (recreation, intramurals, varsity athletics).

Application: Referrals may be mandated or encouraged. The sanctioning officer should have a brief conversation with the student about how he or she would benefit from meeting with someone from the particular office, and contact information should be listed on the sanction

form. Whenever possible, the sanctioning officer should contact the office or individual in advance to inform them of the referral.

### **Residential Relocation**

Definition: A sanction that moves a student to another area of on-campus housing.

Application: A residential relocation is issued when moving a student out of the student's current situation would be beneficial to both the student and the immediate community, to remove the student from potential negative influences, or when a student has somehow violated the standards of the community. Relocating a student is a difficult sanction to apply. To begin with, it is not always available, depending on if there are any vacant spaces on campus. When there are spaces available, a student may be relocated on a permanent or temporary basis. The student will work with the Housing Coordinator, and the Director of Residence Life to facilitate the relocation.

In years where there is a “flexible housing” location, students may be moved to that location for a specified period of time to be determined by the sanctioning officer. “Flexible Housing” locations are supervised by one or more staff members.

### **Judicial Review Board**

Definition: The Judicial Review Board will hear cases referred to it by the Dean of Students or the student's designee. The Dean shall refer all cases involving serious or repeated infractions of College policies, rules, or regulations including all cases which, in the opinion of the Dean, could result in suspension or expulsion from Saint Michael's College.

Application: When the need for a Judicial Review Board is determined, the Director of the Office of Community Standards and Student Conduct will prepare a letter for the student. The Assistant / Associate Dean of Students will present the letter to the student at least three days before the scheduled hearing.

The Director of the Office of Community Standards and Student Conduct will assemble a schedule of Judicial Review Boards at the beginning of each semester. This schedule will establish the day and time of each Review Board as well as the members of the community who will serve on the Board. Each Judicial Review Board is comprised of three students appointed annually by the Student Association President, two staff members appointed annually by the President of the College, and two Faculty members appointed annually by according to the faculty regulations. There is a list of alternate members who will serve in cases where a regular serving member cannot serve.

Each student appearing before the board has the ability to select a support person from among the College Faculty or Staff. This person is usually a member of the Student Life staff, since they are most familiar with the judicial system and usually have a good relationship with the student. Students have also selected coaches, club advisors, or Faculty

members to serve in that role as well. The student and support person will meet regularly before the hearing so that the support person can assist the student in preparing a statement to be read as well providing emotional support, as this is always a high anxiety time for the student.

During the hearing, information is presented by the Student Life Office as well as the student. After the presentation of information and questioning, the board members will issue a decision. There are three possible outcomes of a Judicial Review Board Hearing:

- **Retention:** The student is retained at the College. Retention usually comes with a number of sanctions as well as a series of check-ins with Student Life staff and other members of the community to insure success, and a statement of what will happen if the student is involved in any future violations.
- **Suspension:** The student is separated from the College for a specified period of time. The board will determine the length of suspension as well as indicate any conditions that must be met in order for the student to return. In all cases after suspension, the student must reapply through the Dean of Students Office. The suspension is usually effective immediately, although in certain circumstances (i.e. near the end of a semester) it may take effect at a later date.
- **Dismissal:** The student is permanently dismissed from Saint Michael's College. The dismissal is effective immediately.

After the conclusion of the hearing, the student will return to the Student Life Office with the student's support person and the Student Life staff to make arrangements for the appropriate follow-up.

### **Residential Review or Senior Residential Review**

Definition: An administrative hearing where a student's behavior is discussed with members of the Residence Life Staff. Appropriate expectations and sanctions will be discussed with the student. Results of the Residential / Senior Residential Review may be presented to the Dean of Students for referral to the Judicial Review Board. Various combinations of professional and graduate level staff will be assigned to hear cases as appropriate in order to best meet the needs of both the student and the community.

Application: Decisions will be made on Monday as to which student(s) (if any) will receive a Residential Review Conference (RRC). RRC's will take place on Wednesdays at predetermined times. Sanctions will be determined by the AD's and RD's present at the hearing, and will consist minimally of a Dean's Conference, Disciplinary Probation (usually for at least one semester), and at least three (3) weekend evictions. Other sanctions pertinent to the student's situation, including referrals to other offices, may be added.

## **APPEAL PROCESS**

**(does not apply to the Judicial Review Board or Sexual Misconduct Policy)**

### **The Right to Appeal**

Any student found responsible for a violation of the Student Code of Conduct, shall have the right to appeal the student's case (based on the grounds below) to the Disciplinary Appeals Committee.

### **Grounds for Appeals**

Students who have been found responsible for a violation of the Student Code of Conduct may request an appeal on the grounds that:

1. Information was not available at the time of the hearing is now available, and could reasonably be expected to have altered the outcome of the case.
2. The college disciplinary procedures were violated in a way that probably adversely affected the outcome of the case.
3. The student had an extraordinary life event occur that would preclude them from completing the assigned sanctions.

### **Disciplinary Appeals Committee**

The college disciplinary appeals committee is a Student Affairs committee set up to consider written appeals by students found responsible by any general conduct hearing.

### **Composition**

The Disciplinary Appeals Committee shall consist of the Director of Community Standards and Student Conduct and two to four Student Affairs staff members.

### **Role**

The Disciplinary Appeals Committee is responsible for reviewing any appeals by students or organizations that are properly submitted.

### **Exceptions**

The Judicial Review Board and the Sexual Misconduct Policy.

**All appeals are final with the Dean of Students.**

## **AMNESTY POLICY**

The overarching priority of Saint Michael's College with respect to alcohol and other drugs is to ensure the safety and well-being of our students. The College is committed to providing guidance so that students can learn to develop a responsible approach to social challenges, including whether to use alcohol; how to do so in moderation; and how to comply with local, state, and federal laws governing alcohol consumption. Saint Michael's College expects students to abide by laws and College policies regarding alcohol and drug possession and consumption.

For those students who choose to consume alcohol or other drugs, Saint Michael's College expects that they do so in moderation and thereby minimize the incidence of alcohol and/or other drug poisoning and alcohol- and/or drug-related injuries. However, the College acknowledges there may be times when students may face medical emergencies involving excessive drinking and/or drug use. In these situations, students are expected to call for assistance (e.g., resident assistant, resident director, any on-call personnel like Public Safety, switchboard 654-2000 or 911) when concerned for their own health or welfare, or that of another student. In order to encourage students to seek prompt and appropriate attention for alcohol or any other drug intoxication, the College has instituted an Amnesty Policy.

Saint Michael's College's Amnesty policy is applicable to the student requesting medical assistance for oneself, the student seeking medical assistance for another person, and the student for whom medical assistance was sought.

The College values and promotes responsible decision making. When a report clearly documents that a student sought help for themselves or another student, due to excessive alcohol or other drug consumption, the incident will be referred to the Student Conduct Process as outlined in the Code of Conduct, but since the incident will typically be covered by the Amnesty Policy the sanctioning recommendations will focus solely on getting the help and support needed to address the presenting concerns of the incident. Upon receipt of a report that a student was acting under the Amnesty Policy, the Office of Community Standards and Student Conduct (OCSSC) will reach out to the students involved, which may include the student(s) who sought medical assistance to process the incident. Students contacted are expected to cooperate with any instructions provided by the OCSSC. When the Amnesty Policy is applied to an incident, there will not be a formal hearing, however students may be required to participate in educational programs designed to help prevent future safety risks. Such programs can include, but are not limited to: CHOICES, Substance Abuse Assessments, and Wellness Center referrals. However, when processing an Amnesty incident, the Office of Community Standards and Student Conduct will not assign disciplinary fines or sanctions and will not report the incident, or any follow up to a student's extracurricular endeavors on campus.

To the extent permitted by FERPA, the College may inform a student's emergency contact of a student's transport to a hospital or medical facility for the reported misuse of alcohol or other drugs.

A record of the incident and use of the Amnesty Policy will remain on file. Please note that this policy does not excuse or protect those who repeatedly or flagrantly violate the Alcohol and Other Drug Policy. If the Amnesty Policy has been applied to a student for a prior incident, the availability of the Amnesty Policy for a subsequent incident is at the discretion of the Vice President for Student Affairs or a designee. The Amnesty Policy for alcohol or drug violations, however, will not be given to students whose conduct placed the health or safety of any other person at risk.

### **Amnesty for Students Who Report Sexual Misconduct**

Saint Michael's College encourages reporting of sexual misconduct and seeks to remove any barriers to reporting by making the procedures for reporting an incident of sexual misconduct ("an incident") transparent and straightforward. The College recognizes that a student who has been drinking or using drugs at the time of an incident also may be hesitant to make a report because of potential disciplinary consequences for their own conduct. Thus, a student who reports sexual misconduct, either as a complainant or a third-party witness, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

### **Recognizing Signs of Intoxication/Overdose**

If you drink or have friends who drink, it's important to know the signs and symptoms of alcohol poisoning; it's not necessary for all of these symptoms to be present before you seek help. Those signs followed by an asterisk may also indicate opiate or sedative/hypnotic drug overdose.

- Vomiting
- Confusion, stupor \*
- Seizures
- Slow breathing (fewer than eight breaths a minute) \*
- Irregular breathing \*
- Blue-tinged skin or pale skin
- Low body temperature (feels cold and clammy to touch) \*
- Unconsciousness ("passing out") \*

Signs of an amphetamine overdose may include:

- Rapid heartbeat
- Increased temperature / sweating
- Behavior changes indicated by increased anxiety, delirium, or psychosis
- Saucer-like dilation of pupils or unequal pupils in eyes

A person who is unconscious or can't be roused is at risk of dying. Seek assistance!

Even if you don't see the classic signs and symptoms, but suspect someone has alcohol poisoning, err on the side of caution and seek immediate medical care. In an emergency, follow these suggestions:

- If the person is unconscious, breathing fewer than eight times a minute, or has repeated and uncontrolled vomiting, call 911, call the switchboard at 654-2000, and get help. Remember that even when someone is unconscious or has stopped drinking, alcohol continues to be released into the bloodstream and the level of alcohol in the body continues to rise. Never assume that a person will "sleep off" alcohol poisoning.
- Don't leave an unconscious person alone. While waiting for help, turn the person on their side; don't try to make the person vomit. People who have alcohol poisoning have an impaired gag reflex and may choke on their own vomit or accidentally inhale (aspirate) vomit into their lungs, which could cause a fatal lung injury. Your assistance and support in helping the College keep you and your fellow student's safe is most the most important issue when faced with these types of high-risk incidents.

## **CONFLICT MEDIATION**

### **Philosophy**

Saint Michael's College realizes that on occasion situations arise where an individual needs to examine and think through the student's options regarding a misunderstanding, a hurt (physical or emotional), or a violation of existing campus policy. Conflict Mediation has been established by the College to provide an invitational option for students who initially may not be sure whether to pursue formal judicial action.

### **Informal Resolution and Mediation Procedures**

A person electing to explore Conflict Mediation should speak with one of the Conflict Mediators. These trained mediators will objectively provide the complainant with complete information regarding the various options available for addressing and resolving an issue, i.e., informal and formal in-house procedures, and options beyond the college such as filing a grievance with the State of Vermont. Lists of these mediators are available in the Student Life Office, the Student Activities Office, the Edmundite Campus Ministry Office, and the Office of the Vice-President of Academic Affairs, the Bergeron Wellness Center and the Office of Human Resources.

Mediation will not be utilized in cases involving allegations of sexual violence. In cases involving allegations of sex discrimination or sexual harassment, either party may decide at any point in a mediation process to forego further mediation procedures, and to utilize the formal grievance procedures instead.

If the person chooses to try to resolve the matter on an informal basis, the Conflict Mediator will facilitate this process by helping the complainant to deal directly with the matter him/herself (such as by writing a letter to the alleged offender in order to set limits, etc.) or when appropriate, by providing mediation. The Conflict Mediator's role as a mediator will be to resolve the complaint if possible. The mediator will handle complaints independently and will generally follow certain procedures, which usually include:

- Speak with the complainant and the individual accused to determine the nature of the incident and the context in which it occurred. Mediate and resolve the complaint informally, if possible.
- Inform the parties of the formal grievance procedures available when no resolution is forthcoming or if either party is dissatisfied with the progress of the mediation.
- Keep confidential all information gathered during the investigation and all processes of the mediation and resolution to the extent reasonably possible within legal parameters and given the requirement of a thorough investigation.

### **Formal Grievance Procedures**

To initiate a formal action, a student must notify the Dean of Students Office, the Vice President of Academic Affairs Office, or the Office of Human Resources (depending on whether the

alleged offender is a student, a faculty member, or a staff member/administrator, respectively) and provide a written statement setting forth the nature and details of the complaint. This written complaint needs to be filed within 15 days after contact with one of the above offices. The alleged offender will be notified by the College Officer of the complaints against him/her within 3 days of receipt of the complaint.

Upon receipt of the formal complaint the Dean of Students or designee will initiate an investigation (including fact-finding), offer formal mediation or if appropriate convene a Judicial Review Board, (see Saint Michael's College Judicial System). The rights of both the complainant and the alleged offender will be respected. The complainant has the right to be heard, the right to non-retaliation and the right to a harassment-free environment. The alleged offender has the right to know specific charges, the name of the complainant, and the opportunity to respond. All appropriate confidentiality will be observed. The right to non-retaliation is extended to witnesses and members of the Judicial Review Board. Any retaliation will result in immediate disciplinary action. A hearing will be held within 10 days of receipt of the written complaint. The complainant and the alleged offender may also testify on their own behalf. No legal counsel will be allowed at these hearings. The complainant and alleged offender may each bring one support person from the College community to the hearings.

Specific additional procedural elements will be applied in cases involving allegations of sex discrimination, sexual harassment and/or sexual violence. Those elements are described in the College's Judicial System and Disciplinary Procedures.

The Judicial Review Board will arrive at a finding and, where appropriate, recommend disciplinary action. The disciplinary action may range from reprimand up to and including suspension, expulsion or job termination. These recommendations will go to the Dean of Students, the Vice-President of Academic Affairs or the Director of Human Resources who will hear the recommendation and will decide a course of action.

Within 10 working days after the alleged offender receives notification of the decision, the alleged offender may file an appeal. Appeals must be submitted in writing to the President and should state the grounds for the appeal. The only grounds for appeal are a claim of inadequate procedural consideration or the existence of new evidence. A hearing on the appeal will be conducted within 10 days of receipt of the written appeal. The decision of the President is final, for purposes of the College's internal processes.

If a student wishes to file a complaint with the College's accreditor (the New England Association of Schools and Colleges), with the Vermont Attorney General's Office, the contact information for each entity is, respectively, as follows:

- New England Association of Schools and Colleges, 209 Burlington Rd, Suite 201, Bedford, MA 01730-1433. Phone: (781) 271-0022; Fax (781) 271-0905. Web: [www.neasc.org](http://www.neasc.org).

- Vermont Department of Education, 120 State Street – Montpelier, VT 05620-2501. Phone: (802) 828-3135. Web: [www.education.vermont.gov](http://www.education.vermont.gov).
- Vermont Human Rights Commission, 14-16 Baldwin Street – Montpelier, VT 05633-6301. Phone: (800) 416-2010, x25; Fax: (802) 828-2481; (877) 294-9200 (TTY): Web: [hrc.vermont.gov](http://hrc.vermont.gov).
- Vermont Attorney General’s Office, 109 State Street, Montpelier, VT 05609-1001. Phone: (802) 828-3171; (802) 828-3665 (TTY): Web: [www.atg.state.vt.us](http://www.atg.state.vt.us).

A statement from the Vermont Department of Education about resolution of complaints regarding postsecondary education-related matters is available at:

[http://education.vermont.gov/new/pdfdoc/pgm\\_postsecondary/EDU-Complaint\\_Resolution\\_Statement\\_for\\_Postsecondary\\_Education\\_Matters.pdf](http://education.vermont.gov/new/pdfdoc/pgm_postsecondary/EDU-Complaint_Resolution_Statement_for_Postsecondary_Education_Matters.pdf).

### **Conflict Mediators**

The Resident Director Staff  
Residence Life Office, (802) 654-2566

The Assistant and Associate Dean Staff  
Student Life Office, (802) 654-2566

# **HARASSMENT AND DISCRIMINATION POLICY**

## **Philosophy and Scope**

Saint Michael's College seeks to maintain an educational environment where every member of our community is free from unlawful physical and/or psychological harassment which adversely affects their learning, working or living environment. Similarly, each member of the Saint Michael's Community shares in the responsibility to respect each person in our community. The College maintains a separate policy that prohibits unlawful harassment of staff, administrators and faculty. This policy prohibits unlawful harassment and discrimination against students and third parties who are involved in education-related College programs. This policy applies to statements and/or conduct of all administrators, faculty, staff, students, members of the Board of Trustees, agents of the College, and volunteers involved in College-related activities. The policy also applies to those who do business with the College in their interactions with members of the College community, and to other visitors.

## **Definition**

Harassment in violation of this policy constitutes a form of discrimination and is defined as verbal or physical conduct or communications directed at, or made because of, an individual's race, creed, color, national origin, place of birth, ancestry, religion, age, sexual orientation, sex, gender identity, marital or civil union status, veteran or military service status, HIV-positive status or qualified disability, all as protected and defined by applicable law, or on the basis of any other status protected by law, this has the purpose or effect of substantially interfering with a covered individual's participation in College-related activities, or creating an intimidating, hostile or offensive environment. The College will not tolerate unlawful harassment, and it will not engage in unlawful discrimination against covered individuals. Harassment includes such conduct specifically directed at covered individuals based on stereotyped notions or beliefs, because of a person's identification with a particular group, or because of an individual's family member's protected characteristics or membership in a protected group. Harassment may also include but is not limited to – slurs or taunts in the guise of a joke, offensive graffiti or other written demeaning email and other messages, disparaging references to members of a protected group, threats or acts of physical harm (abuse), stalking and intimidation.

With regard to sexual harassment, prohibited conduct also includes but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, if:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's success in their educational program;
2. submission to or rejection of such conduct; by an individual is used as the basis for College program-related decision affecting such individual or;
3. such conduct has the purpose or effect of unreasonably interfering with an individual's educational performance or creating an intimidating, hostile, or offensive educational

environment. Sexual assault and sexual violence, as described in the College's Sexual Violence and Sexual Misconduct Policy, is also a form of prohibited sexual harassment.

Saint Michael's College recognizes that the protection of free and open speech and the open exchange of ideas are essential to any academic or artistic community. It is, therefore, an important element in the "reasonable person standard" to be used in judging whether harassment has occurred. This harassment policy statement is meant neither to proscribe nor to inhibit discussion, in or out of the classroom, of complex, controversial or sensitive matters, when the judgment of a reasonable person they arise appropriately and with respect for the dignity of others.

### **Reporting and Resolution Procedures**

In general, covered individuals who believe they may have been victims of harassment or discrimination, or members of the College community who have observed statements of behavior that they believe are in violation of this policy, are encouraged to report their concerns to a Conflict Mediator or a confidential resource on campus, i.e., Priest in Edmundite Campus Ministry, Personal Counselor in the Personal Counseling Office or a nurse on our Student Health Services staff. Any one of these individuals will objectively provide the complainant with complete information regarding the various options available for addressing and resolving a discrimination or harassment issue. Additionally, any of these individuals may also assist the complainant in filing a formal complaint. A list of conflict mediators is available in the Student Life Office, the Student Activities Office, the Edmundite Campus Ministry Office, and the Office of the Vice President of Academic Affairs, the Wellness Center and the Office of Human Resources.

College officials who observe statements or behavior that they believe is in violation of this policy must report their concerns to an appropriate office, individual listed or Conflict Mediator. If a concern involves a statement or behavior by an individual designated to receive complaints, a report regarding that concern should be directed to another designated recipient. If a concern involves statement or behavior by a member of the Board of Trustees, the report should be made to one of the offices, individual or Conflict Mediators listed above, to the Office of the President, or to the Chair of the Board of Trustees via the secretary to the Board of Trustees and the president of the college. **It should be noted, however, that conflict mediation would not be utilized in cases involving allegations of sexual assault/sexual violence. Please refer to the Sexual Misconduct Policy for further information.**

Formal harassment complaints against students will be handled under the College's judicial system and disciplinary procedures. Formal harassment complaints against faculty and staff will follow procedures administered by the Office of the Vice-President of Academic Affairs and/or the Office of Human Resources, as appropriate. Formal complaints that constitute or harassment based on sex, sexual misconduct, or sexual violence, involving both students and employees, will be responded to based on the

## Sexual Misconduct, Domestic Violence, Dating Violence and Misconduct, and Stalking Policy.

The College will take steps to prevent recurrence of any unlawful discrimination and harassment and to correct its discriminatory effects on the complainant and others, if appropriate. Individuals who are found to have engaged in discrimination or harassment will be subjected to disciplinary action, including but not limited to suspension, expulsion or termination of employment, as applicable.

The College strictly prohibits retaliation (directly by the person responding to the complaint, indirectly by the student's associates, or by others) against individuals who make complaints or raise concerns about issues covered by this policy, and/or who serve as witnesses or otherwise cooperate with investigations, regardless of whether the College ultimately determines that the alleged conduct constituted unlawful discrimination or harassment. Any complainant or witness who believes he or she has been subjected to retaliatory behavior should report the conduct to the Dean of Students or the Office of Public Safety. The College will determine whether an investigation is appropriate, and if it is, it will initiate an investigation and make findings as it would in a case involving harassment or discrimination. Persons found to have engaged in retaliatory conduct are subject to disciplinary action including, but not limited to, dismissal or termination.

In cases involving discrimination or harassment based on sex, sexual misconduct, or sexual violence, concerned individuals may, in addition to utilizing the reporting processes described in the Policy against Sexual Misconduct, Domestic Violence, Dating Violence and Misconduct, and Stalking and in other College policies, contact the College's Title IX Coordinator. Title IX is a federal law that prohibits sex-based discrimination and harassment in education and employment. In his or her role as Title IX Coordinator, the Coordinator has oversight responsibility for Title IX-related complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints, and is available to meet with concerned individuals regarding issues that are or may be related to discrimination or harassment based on sex.

Inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or to the U.S. Department of Education's Office for Civil Rights ("OCR"). The Title IX Coordinator may be reached at (802) 654-2271. OCR's contact information is United States Department of Education, Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110-1491, and (617) 289-0111.

### **Hate Crime**

Vermont has a hate crime law that imposes increased penalties for crimes committed because of hatred or animus toward certain protected characteristics. Specifically, this law applies to "[a] person who commits, causes to be committed or attempts to commit any crime and whose conduct is maliciously motivated by the victim's actual or perceived race, color, religion,

national origin, sex, ancestry, age, service in the armed forces of the United States, handicap..., sexual orientation or gender identity.”

According to the Vermont Attorney General’s office, assaults, unlawful mischief (damage or destruction of property), telephone harassment and disorderly conduct (by public yelling of threats and abuse) are the most common hate crimes in Vermont.

Possible incidents of hate crimes should be directed to Public Safety at 802-654-2000.

### **Notice**

This policy does not alter, amend, or modify Saint Michael’s Student Life Policies, the College Handbook (including but not limited to Saint Michael’s Harassment/Discrimination Policy and Policy Against Sexual Misconduct, Domestic Violence, Dating Violence and Misconduct, and Stalking), and/or other applicable Saint Michael’s policies. If any conflict or apparent conflict exists, Saint Michael’s Student Life Policy, College Handbook, and/or other applicable Saint Michael’s policy supersedes.

### **Confidentiality**

All reports will be handled in a sensitive manner. Information will be shared with others only to the extent necessary to assess and manage the situation in compliance with Saint Michael’s policies, or state and federal law.

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional and religious clergy. The medical, mental health and religious clergy at Saint Michael’s College and their off-campus counterparts, respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. These professionals may have to disclose information when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals may be required by law to report certain crimes (e.g., any allegation of sexual and/or physical abuse of a person under 18). These exceptions to maintain confidentiality are governed by the law of the state in which the confidential resource is located.

An individual who exclusively reports allegations to a confidential resource must understand that Saint Michael’s College may be unable to evaluate the allegations and/or pursue disciplinary action against any individual who may have engaged in prohibited behavior.

The BRT will handle information with sensitivity and discretion. The BRT may need to disclose allegations and/or other information (including the identity of parties and/or witnesses) to the extent necessary to allow Saint Michael’s College to proceed with an investigation and/or adjudication under applicable policies.

## **Disclosure Required by Law**

Saint Michael's College will not include the names of complainants or other identifying information in publicly available reports that are compiled as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Saint Michael's College is part of a larger community, and a variety of additional factors and/or legal requirements may apply. As an example, if there is an investigation, lawsuit, or criminal proceeding related to a bias incident or hate crime, the parties, witnesses, and/or Saint Michael's officials may be required by law to provide testimony or documents (e.g., investigation reports, witness statements, and any other information gathered or obtained in the course of a particular matter).

## **Disclosure to Law Enforcement**

In certain circumstances, Saint Michael's College authorities may report an incident to law enforcement authorities. Such circumstances include but are not limited to incidents that warrant the undertaking of safety and security measures for the protection of the individual and/or the campus community, or situations in which there is clear and imminent danger and/or when a weapon may be involved. Complainants may always choose to notify authorities directly with or without Saint Michael's College assistance, or may choose not to notify such authorities.

## **Retaliation**

Retaliating directly or indirectly against a person who has in good faith made a report under this policy or who has supported or participated in an investigation related to a bias incident is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop the report or not participate in the investigation or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Depending on the circumstances, retaliation may be unlawful, whether or not the report is ultimately found to have merit. An individual who engages in retaliation under this policy will be subject to discipline in accordance with the College's Handbook, Student Life Policies/General Disciplinary Processes, Harassment and Discrimination policy, or other policies applicable to the program or individual(s) at issue.

## **Reporting**

In consultation with the Offices of the President and Marketing and Communications, the BRT will annually publish a report of the bias incidents reported in the prior academic year. This report will contain the following information:

- Category of the bias incident reported
- The number of incidents per category
- The number of incidents that the BRT substantiated as bias per category

This information will be recorded in the Annual Safety Report (ASR) with an explanation of the BRT and the statistics.

## BIAS RESPONSE POLICY

As part of the College's ongoing efforts to promote an enhanced understanding of, and respect for, diversity in its many forms, the College has established this Bias Response Protocol as a framework to respond effectively to incidents of bias or perceived bias. This protocol is one of several initiatives that support and further the goal of promoting a campus climate in which all members thrive personally, professionally, and academically.

The Bias Response Protocol is a centralized system for reporting bias, an umbrella term that includes, but is not limited to, incidents of harassment, discrimination, hate crimes, and micro-aggressions, at Saint Michael's College. This program does not replace or alter existing protocols and processes to resolve alleged violations of SMC policies regarding harassment, sexual misconduct, and discrimination, or violations of criminal law. Rather, the purpose of the Protocol is explicitly educational – to raise awareness and deepen conversations about complex, and often deeply sensitive issues. To this end, the Protocol serves as a mechanism to address incidents of bias affecting SMC community members by providing immediate, meaningful, and effective support to all parties that have been directly or indirectly impacted.

### How the BRT Protocol Works

- Anyone who experiences or witnesses what they perceive to be a bias incident may report via the online form:

[https://cm.maxient.com/reportingform.php?SaintMichaelsCollegeVT&layout\\_id=1](https://cm.maxient.com/reportingform.php?SaintMichaelsCollegeVT&layout_id=1)

or to any member of the Bias Response Team (BRT). Once submitted, the report will promptly be submitted to the BRT facilitator. **In the event that a staff or faculty member is involved in a perceived bias incident, the Director of Human Resources (for staff-related issues) and/or the Dean of Faculty (for faculty related issues) must be involved immediately.**

- The facilitator, in consultation with the Vice President of Student Affairs (VPSA), will assess reports in consultation with the appropriate colleagues (for example, Academic Affairs, Human Resources, Student Financial Services, Campus Ministry, etc.) and convene the BRT as necessary. When convened, the BRT will consider the nature and gravity of the reported incident and investigate or designate others to investigate the reported incident as appropriate.
- The BRT will: consider the results of any investigation, and the nature and gravity of a reported incident; determine what, if any information should be communicated to the campus community; arrange for the support of those affected negatively by an incident; suggest ways to proactively address issues of difference, diversity, civility, and respect via education, and training; and take other actions and make other recommendations as deemed appropriate.
- Disciplinary action against any individual or group, if warranted, will be governed by the Office of Student Conduct, Human Resources, or Academic Affairs (as appropriate given

whether action is contemplated against students, staff or faculty) and established policies and procedures. The BRT will not, itself, take disciplinary action. State or local law enforcement agencies may also be involved as deemed appropriate.

- Team members and other persons responsible for receiving and acting on bias incident reports will make reasonable efforts to protect the confidentiality and privacy of the reporter, the respondent, and the witnesses; disclosure of information will only be made to persons with a need for information regarding the report, its investigation and/or resolution, and/or as necessary to investigate or address the effects of the incident on the community.

### Key Definitions

- **Bias:** A bias is a tendency, inclination, or prejudice toward or against something or someone. Some biases are positive and helpful—like choosing to only eat foods that are considered healthy or staying away from someone who has knowingly caused harm. Biases are often based on stereotypes, rather than actual knowledge of an individual or circumstance. Whether positive or negative, such cognitive shortcuts can result in prejudgments that lead to rash decisions or discriminatory practices.
- **Bias Incident:** A bias incident is an act directed against a person, group, or property, expressing hostility or bias on the basis of perceived or actual race, color, national origin, ethnicity, sex, sexual orientation, gender identity, religion, disability, age, veteran status, or any other characteristic protected by applicable law or College policy. Bias incidents may consist of verbal, written, graphic, and/or physical conduct such as epithets, jokes, graffiti, negative stereotyping, and threatened or actual physical assault. A bias incident may rise to the level of a hate crime as defined by state and federal law.
- **Discrimination:** Adverse treatment based on an individual's membership in a legally protected category that is sufficiently serious to unreasonably interfere with or limit an individual's opportunity to participate in or benefit from a University program or activity, or that otherwise adversely affects a term or condition of the individual's employment or education. Legally protected categories are listed in SMC's policies for students and employees.
- **Harassment:** A form of discrimination (defined above) that encompasses an incident or incidents of verbal, written, visual, or physical communications and/or conduct based on or motivated by an individual's membership in a legally protected category that is sufficiently severe, pervasive, persistent or patently offensive that it has the effect of unreasonably interfering with that individual's work or academic performance, or that creates a hostile working, educational or living environment. Harassment may include the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display or circulation of written or visual material, taunts, and negative references related to any of these protected categories.

- **Microaggression:** a comment or action that subtly and often unconsciously or unintentionally expresses a prejudiced attitude toward a member of a marginalized group (such as a racial minority).
- **Hate Crime:** Vermont has a hate crime law that imposes increased penalties for crimes committed because of hatred or animus toward certain protected characteristics. Specifically, this law applies to “[a] person who commits, causes to be committed or attempts to commit any crime and whose conduct is maliciously motivated by the victim’s actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the armed forces of the United States, handicap..., sexual orientation or gender identity.”

According to the Vermont Attorney General’s office, assaults, unlawful mischief (damage or destruction of property), telephone harassment and disorderly conduct (by public yelling of threats and abuse) are the most common hate crimes in Vermont.

### **Bias Response Team Members**

The BRT is comprised of representatives from academic and student affairs. In the event of a vacancy on the BRT, new membership will be determined by the president’s cabinet. Each faculty member will serve a two-year term on the team. The BRT will participate in relevant training on a regular basis. To report a bias incident, or if you have questions about a possible incident that you experienced or witnessed, or were informed about, please contact any of the BRT members listed below.

#### **Bias Response Team (2020-2021)**

#### **Contact**

Kerri Leach, Facilitator	kleach@smcvt.edu
Shefali Misra, Faculty Member	smisra@smcvt.edu
Jeff Favreau, Director of Public Safety	jfavereau@smcvt.edu
Jeff Vincent, Director of Residence Life	jvincent@smcvt.edu
Sarah Childs, Director of DEC	schilds@smcvt.edu
Dawn Ellinwood, Student Affairs	dellinwood@smcvt.edu
Catherine Welch, Title IX	cwelch2@smcvt.edu
Howie Leblanco, Co-Director of Human Resources	hleblanco@smcvt.edu

### **Reporting**

In consultation with the Offices of the President and Marketing and Communications, the BRT will annually publish a report of the bias incidents reported in the prior academic year. This report will contain the following information:

- Category of the bias incident reported
- The number of incidents per category
- The number of incidents that the BRT substantiated as bias per category

This information will be recorded in the Annual Safety Report (ASR) with an explanation of the BRT and the statistics.

# **SEXUAL HARASSMENT/MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, and STALKING POLICY**

## **Notice of Nondiscrimination**

Saint Michael's College does not discriminate on the basis of sex in its education programs and activities, and Title IX of the Education Amendments Act of 1972, as amended ("Title IX"), as well as applicable state law, requires that it not discriminate in such a manner. Prohibited sex discrimination includes behavior that falls within the scope of the College's Title IX Sexual Harassment and Non-Title Misconduct definitions below. In addition to violating College policy, sexual harassment may also be unlawful. Inquiries concerning the application of Title IX may be referred to the College's Title IX Coordinator (see below) or to the United States Department of Education Office for Civil Rights.

As an educational institution, Saint Michael's College is committed to promoting, through educational and consciousness-raising activities (including the distribution of this Policy), a campus environment where sexual harassment/misconduct, domestic violence, dating violence and stalking are recognized as wholly intolerable, and where individuals subjected to such misconduct are provided with avenues of support and redress as appropriate. In accordance with this commitment, the College has developed the following policy. Other educational and consciousness-raising activities are conducted through the efforts of a few offices that fall under Student Affairs and Academic Affairs scope of service. These offices include Residence Life, Bergeron Wellness Center, The Center for Women and Gender and Student Life.

## **Scope of Policy**

This Policy and the procedures outlined below apply exclusively to reported conduct that falls within the scope of the policy, and supersede any other previously-published College policies on issues related to sexual harassment, sexual misconduct, domestic violence, dating violence or stalking. Further, to the extent that this Policy and its procedures provide for the handling of allegations that fall within the definition of Title IX Sexual Harassment as outlined in the Department of Education's May 2020 Title IX regulations, see 34 C.F.R. Part 106, such allegations will be handled exclusively as provided in this Policy and its procedures, rather than any policies or handbook procedures that would otherwise apply to College students, faculty or staff.

Consistent with Department of Education regulations and guidance, this Policy maintains a distinction between allegations of misconduct that would fall within the scope of the Department's May 2020 Title IX regulations (that is, certain types of Sexual Harassment alleged to have been committed by or against students and/or employees in an education program or activity of the College, in the United States, on or after the August 14, 2020 effective date of the regulations, which are referred to in this Policy as "Title IX Sexual Harassment"), and other types of misconduct that would be covered by this Policy but that would fall outside the relatively narrow definition of Title IX Sexual Harassment (which are

referred to in this Policy as “Non-Title IX Misconduct”). This delineation of applicable policies and procedures will apply regardless of when the alleged incident is reported.

In Title IX Sexual Harassment cases and Non-Title IX Misconduct cases as defined below that involve allegations that a student engaged in Prohibited Conduct as defined in this Policy, the policy language and procedures for either or both categories of cases outlined below will apply, as appropriate.

In Title IX Sexual Harassment cases as defined below that involve allegations that a College employee engaged in Title IX Sexual Harassment, the policy language and procedures for Title IX Sexual Harassment cases outlined below will apply, in accordance with applicable law. Allegations that a College employee engaged in sexual assault, dating violence, domestic violence and/or stalking, and that do not fall within the definition of Title IX Sexual Harassment, will be addressed through the Non-Title IX Misconduct policy language and procedures outlined below. Allegations that a College employee engaged in discrimination or harassment that does not fall within the definition of Title IX Sexual Harassment, and that does not involve alleged sexual assault, dating violence, domestic violence and/or stalking as defined in the Non-Title IX Misconduct definitions below, will be addressed through other employment-related policies, practices, handbooks and/or collective bargaining agreements, but will not be addressed through the policy language or procedures outlined in this Policy.

To understand how to file a complaint of sexual harassment/misconduct, domestic violence, dating violence and/or stalking at Saint Michael’s College, please see the section below on Complaint Procedures.

### **Title IX Coordinator**

The designated Title IX Coordinator for Saint Michael’s College is Catherine Welch, Assistant Dean of Students. The Title IX Coordinator is authorized to coordinate and is responsible for coordinating the College’s efforts to comply with and carry out its responsibilities under Title IX.

The contact information for the Saint Michael’s College Title IX Coordinator is:

Catherine Welch, Associate Dean of Student Success  
Saint Michael’s College  
One Winooski Park  
Colchester, Vermont 05439  
(802) 654-2271  
[cwelch2@smcvt.edu](mailto:cwelch2@smcvt.edu)

The Title IX Coordinator or designee is available to meet with students and employees as needed. References throughout this Policy to the Title IX Coordinator should be read as also including designees of the Title IX Coordinator.

## Definitions

- **Complainant:** A complainant is a student who is currently participating in or attempting to participate in a College education program or activity, or an employee of the College, who is reported to have experienced conduct that could constitute Prohibited Conduct as defined below, regardless of whether the student or employee makes a report or seeks disciplinary action. In some cases (such as, for example, cases in which a person involved in an alleged incident of Prohibited Conduct does not wish to participate in the process but the College decides that the alleged misconduct needs to be investigated and addressed), the College may move forward with an investigation and/or related disciplinary proceeding without a designated complainant. In such cases, the College may extend the full rights of a complainant as defined in this Policy to affected parties as deemed appropriate by the College and/or as permitted or required by applicable law. For ease of reference and consistency, the term “complainant” is used hereafter in this Policy to refer to a student or employee who believes that they have been subjected to Prohibited Conduct, or who is believed by another to have been subjected to such conduct.
  
- **Consent:** For purposes of this Policy and under Vermont law, “consent” means the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time. No person subject to this Policy shall engage in a sexual act with another person:
  - without the consent of the other person; or
  - by threatening or coercing the other person; or
  - by placing the other person in fear that any person will suffer imminent bodily injury; or
  - when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring.

No person subject to this Policy shall administer any alcohol, drugs, or other intoxicants to another person without the person’s knowledge or against the person’s will and, while the person is impaired by the alcohol, drugs, or intoxicants, engage in a sexual act with that person.

No person subject to this Policy shall engage in a sexual act with another person when the other person is incapable of consenting to the sexual act due to substantial impairment by alcohol, drugs, or other intoxicants and that condition is known or reasonably should be known by the person.

“Incapable of consenting” as used in this Policy means the other person:

- (A) is incapable of understanding the nature of the conduct at issue;
- (B) is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or
- (C) lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.

A person may be incapable of consenting due to the effects of alcohol, drugs or other intoxicants, or due to a physical, mental or other condition.

Responsible, respectful communication is a standard of behavior that the College expects members of its community to uphold. It should be understood by all that silence, passivity or lack of resistance by a partner to sexual activity cannot be assumed to indicate consent. Lack of consent may be shown without proof of resistance, and submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent.

It is the responsibility of those who initiate and/or engage in sexual activity to be clear that consent as defined in this Policy is given before proceeding with further sexual activity. It should be noted that ignorance of the policy noted above, or the intoxication of the respondent, will in no way be considered an excuse for violating the policy. Determinations regarding whether a person is responsible for violating this Policy will be made by considering whether the person knew, or a reasonable, unimpaired person in their circumstances should have known, that the other person was not consenting to or was incapable of consenting to the sexual conduct at issue or was asleep, unconscious, or otherwise unaware that the sexual act was occurring.

- **Respondent:** A respondent is a student, employee or covered third party (to the extent the College elects to address reports regarding a covered third party through this Policy, rather than otherwise at the College's discretion) who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct as defined in this Policy. A covered third party is a person who is not a student or employee of the College, but who is someone over whom the College has some measure of control that would allow the College to take some form of action against them if it is determined that they engaged in Prohibited Conduct (e.g., a vendor or volunteer). Again, such individuals will be provided rights under this Policy on to the extent the College elects to do so.
- **Retaliation:** Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct). Retaliation is strictly prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitute retaliation, as do any adverse action taken against a person because they have made a good faith report of Prohibited Conduct or participated in any proceeding under this Policy. Retaliation may include intimidation, threats, coercion, harassment, or adverse employment or educational actions that would

discourage a reasonable person from engaging in activity protected under this Policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this Policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

The College will not engage in, and will investigate and address, reports of retaliatory conduct. Retaliation under this Policy may be found whether or not the underlying complaint is ultimately found to have merit.

Any person who believes that they have been subjected to such retaliation should follow the complaint resolution procedures outlined in this Policy. Complaints of retaliation will be addressed through the procedures for Non-Title IX Misconduct outlined below.

### **Prohibited Conduct<sup>1</sup>**

This Policy prohibits the following forms of misconduct, collectively referred to throughout the policy as “Prohibited Conduct”:

- **Title IX Sexual Harassment** (i.e., *Quid Pro Quo* Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, and Domestic Violence, Dating Violence and sex-based Stalking within the scope of Title IX); and
- **Non-Title IX Misconduct** (i.e., Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking outside the scope of Title IX, Sexual Exploitation as defined below, and Retaliation).

Specifically, Title IX Sexual Harassment and Non-Title IX Misconduct are defined as follows for purposes of this Policy:

#### ***Title IX Sexual Harassment***

“Title IX Sexual Harassment” is a subset of Prohibited Conduct. Under Department of Education regulations (see 34 C.F.R., Part 106) issued in May 2020 (“May 2020 Title IX regulations”) to implement Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., the College is required to prohibit certain forms of sexual harassment as defined in those regulations. Title IX Sexual Harassment is Prohibited Conduct in the form of Title IX *Quid Pro Quo* Sexual Harassment, Title IX Severe, Persistent and Pervasive Sexual Harassment, Title IX Sexual Assault, Title IX Dating Violence, Title IX Domestic Violence, or Title IX Stalking as defined below that is committed by or against students and/or employees in an education program or activity of the College, in the United States, on or after August 14, 2020. Further, in order for the College to consider a Formal Complaint of such misconduct as falling within its Title IX Sexual Harassment policy and procedures, the complainant must be participating in or attempting to participate in a College program or activity at the time the complaint is filed.

Conduct takes place within the College’s “programs and activities” when that conduct occurs: (1) in a location, at an event, or in a circumstance where the College exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the College. Conduct that occurs off campus in locations or at events with no connection to the College is unlikely to have occurred in a program or activity of the College.

A complaint about conduct that does not meet this strict definition for Title IX Sexual Harassment is still prohibited by this Policy if it otherwise constitutes Prohibited Conduct within the definition of Non-Title IX Misconduct as defined below.

The following Prohibited Conduct definitions apply for purposes of the definition of Title IX Sexual Harassment:

***Title IX Quid Pro Quo Sexual Harassment***

*Quid Pro Quo* Sexual Harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States on or after August 14, 2020, by which an employee of the College conditions the provision of an aid, benefit, or service of the College on a student’s or employee’s participation in unwelcome sexual conduct.

***Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment***

Severe, Pervasive and Objectively Offensive Sexual Harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States on or after August 14, 2020, that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to a College education program or activity. Determinations of whether a complainant has been denied equal access will be made by comparing the complainant’s access to education to that of a similarly situated person who is not suffering the alleged sexual harassment.

***Title IX Sexual Assault***

As required by the May 2020 Title IX regulations, the College’s Title IX Sexual Assault

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<sup>1</sup> The definitions of dating violence, domestic violence, sexual assault, and stalking used in this Policy are consistent with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended effective 2014, and Title IX and May 2020 Title IX regulations. In its primary prevention and awareness programs for incoming students and new employees, as well as in its primary prevention and awareness programs for students and employees, the College will include the definitions of dating violence, domestic violence, sexual assault, and stalking under the criminal law of Vermont. However, the College utilizes its own definitions of these prohibited behaviors, which are consistent with the Clery Act and Title IX and the May 2020 Title IX regulations as set forth below, for purposes of this Policy, and determines responsibility for violations of this Policy through its own procedures and standards of proof (i.e. by a preponderance of the evidence standard).

definition incorporates the definitions of the FBI's Uniform Crime Reporting (NIBRS) program, and therefore defines Title IX Sexual Assault for purposes of this Policy as conduct of the following types committed by or against a College student or employee in an education program or activity of the College in the United States on or after August 14, 2020:

- **Rape:**
  - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that either females or males could be complainants under this definition);
  - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, "private body parts" includes breasts, buttocks, or genitals, whether clothed or unclothed);
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Sexual assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence.

Any incident falling within this definition is a violation of College policy and is prohibited.

### ***Title IX Dating Violence***

Title IX Dating Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States on or after August 14, 2020 that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with

consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- b. Dating violence does not include acts covered under the definition of domestic violence.

Any incident falling within this definition is a violation of College policy and is prohibited.

### ***Title IX Domestic Violence***

Title IX Domestic Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States on or after August 14, 2020 that constitutes a felony or misdemeanor crime of violence committed:

- a. By a current or former spouse or intimate partner of the victim;
- b. By a person with whom the victim shares a child in common;
- c. By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident falling within this definition is a violation of College policy and is prohibited.

### ***Title IX Stalking***

Title IX Stalking for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States on or after August 14, 2020 that constitutes engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a. Fear for the person's safety or the safety of others; or
- b. Suffer substantial emotional distress.

For the purposes of this definition:

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or

means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above (i.e., the behaviors or activities would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress): (1) non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome; (2) use of online, electronic or digital technologies, such as posting pictures or text in chat rooms or on websites, sending unwanted or unsolicited e-mail or talk requests, posting private or public messages on Internet sites, social networks, and/or school bulletin boards, installing spyware on a person's computer, or using Global Positioning Systems (GPS) or similar technology to monitor a person; (3) pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person; (4) surveillance or other types of observation, including staring and voyeurism; (5) trespassing; (6) vandalism; (7) non-consensual touching; (8) direct verbal or physical threats against a person or a person's family member, pet or personal property; (9) gathering information about a person from friends, family, or co-workers; (10) accessing private information through unauthorized means; (11) threats to harm self or others; (12) defamation and/or lying to others about the person; and (13) using a third party or parties to accomplish any of the above.

Behaviors or activities that fall within this definition are violations of College policy and are prohibited.

### ***Non-Title IX Misconduct***

Non-Title IX Misconduct is Prohibited Conduct that falls within the scope of this Policy and the definitions below but that does not fall within the definition of Title IX Sexual Harassment, either due to the nature of the conduct or because it did not reportedly occur within an education program or activity of the College in the United States on or after August 14, 2020. Behavior that falls within the definition of Non-Title IX Misconduct violates College policy and is prohibited. Such conduct is defined for purposes of this Policy as:

### ***Non-Title IX Sexual Harassment***

Non-Title IX Sexual Harassment is a form of sex discrimination that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working, shared living, or

educational environment, on the basis of sex. The College will determine whether conduct falls within this definition by using both an objective standard (that is, would a reasonable person experience the conduct as intimidating, hostile or offensive as defined here) and a subjective standard (that is, did the person actually perceive the conduct as intimidating, hostile or offensive as defined here).

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within the above definition:

- touching or grabbing any part of a person's body (in a manner that is sexual or offensive on the basis of sex but that does not constitute "fondling", which is a form of Title IX Sexual Assault or Non-Title IX Sexual Assault as defined above and below) after that person has indicated, or it is known or should be known, that such physical contact is unwelcome;
- continuing to ask a person to socialize on or off-campus when that person has indicated that they are not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, messages, web links or posters if it is known or should be known that the behavior is unwelcome,
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- communicating derogatory or provoking remarks about or relating to a person's sex, gender identity or sexual orientation;
- directing harassing acts or behavior against a person on the basis of their sex, gender identity or sexual orientation; or
- off-campus conduct which falls within the above definition and affects a person's on-campus educational, shared living, or work environment.

Sexual Harassment that meets the definition of Title IX Sexual Harassment outlined above will be addressed under the procedures for Title IX Sexual Harassment provided in this Policy.

Saint Michael's College recognizes that the protection of free and open speech and the open exchange of ideas is important to any academic community. This recognition is therefore an important element in the objective "reasonable person" standard used in judging whether sexual harassment has occurred. This Policy is meant neither to proscribe nor to inhibit discussion, in

or out of the classroom, of complex, controversial or sensitive matters, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others.

Saint Michael's College also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry and learning. Such abuses are unacceptable. If someone believes that another's speech or writing is offensive, wrong or hurtful, they are encouraged to express that judgment in the exercise of their own free speech or to seek redress under this Policy or other College policies as appropriate.

### ***Non-Title IX Sexual Assault***

Sexual Assault (i.e., rape, fondling, incest or statutory rape) as defined in the Title IX Sexual Assault definition above that did not reportedly occur in a program or activity of the College in the United States, and attempts to commit such misconduct.

### ***Non-Title IX Domestic Violence***

Domestic violence as defined in the Title IX Domestic Violence definition above that did not reportedly occur in a program or activity of the College in the United States on or after August 14, 2020.

### ***Non-Title IX Dating Violence***

Dating violence as defined in the Title IX Dating Violence definition above that did not reportedly occur in a program or activity of the College in the United States on or after August 14, 2020.

### ***Non-Title IX Stalking***

Stalking as defined in the Title IX Stalking definition above that did not reportedly occur in a program or activity of the College in the United States on or after August 14, 2020, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the complainant on the basis of sex.

### ***Non-Title IX Sexual Exploitation***

Non-Title IX Sexual Exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that other person without that other person's consent, and attempted sexual exploitation. Examples of sexually exploitative behavior include, but are not limited to: (1) video recording or photographing of sexual acts or nudity of another member of the College community without the consent of a person involved; (2) transmitting such video recordings or photographs without the consent of the person involved; (3) viewing or allowing or aiding others to view another person's sexual activity, intimate body parts, or nudity without the person's consent; and (4) sexual exhibitionism or exposure of one's genitalia in the presence of others without their consent.

## **Coordination with Other Policies**

Where alleged conduct by a student respondent that is reported in connection with a reported violation of this Policy also involves potential violations of the Saint Michael's College Student Code of Conduct that would not constitute sexual harassment, sexual misconduct, domestic violence, dating violence or stalking covered by this Policy, the College may, at its discretion, choose to investigate and resolve such other potential Student Code of Conduct violations through an investigation under the procedures set forth in this Policy, rather than the procedures set forth in the Student Code of Conduct.

Where alleged conduct by an employee or covered third party respondent that is reported in connection with a reported violation of this Policy also potentially involves violations of Saint Michael's College's expectations for employee or covered third party behavior, the College may address such reported violations of other behavioral expectations within or outside the procedures provided below, as determined at the College's discretion.

## **Separate Handling of Other Policy Violations by Reporting Students**

The College's primary goals when responding to complaints of Prohibited Conduct such as sexual harassment/misconduct, domestic violence, dating violence or stalking matters involving students is to promote student safety, and to address Prohibited Misconduct and prevent it from recurring. A student should not hesitate to report Prohibited Conduct due to a concern that the investigation process may indicate that they were under the influence of alcohol or drugs at the time of the incident(s). Violations of other College policies will be handled separately from sexual misconduct complaints, and the relatively minor sanctions that may result from a violation of other College policies under the circumstances should not dissuade a student from reporting relatively serious incidents of Prohibited Conduct. The use of alcohol or drugs never makes the complainant at fault for such misconduct.

## **Confidentiality**

The College understands that individuals who have concerns about sexual harassment/misconduct, domestic violence, dating violence, or stalking may look for assurances of confidentiality.

May 2020 Title IX regulations contemplate that certain information will generally be treated confidentially, except as qualified by statements in those regulations. For example, the regulations provide that colleges and universities must maintain as confidential any supportive measures provided to a complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The regulations also provide that institutions must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to

carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under those regulations.

The College will protect the confidentiality of complainants and other necessary parties to the extent practicable. When the College completes publicly available recordkeeping, including disclosure of information as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), it will not include personally identifying information about parties. The Title IX Coordinator or designee will work with the Director of the Department of Public Safety or designee to determine what information about a complainant should be disclosed and to whom this information will be disclosed. Decisions about disclosure will be made by considering factors such as, but not limited to, the privacy interests of the complainant and the potential need for disclosure in order to effectuate the accommodations or protective measures. If it is decided that some disclosure is necessary, complainants will be informed of which information will be shared, with whom it will be shared and why.

### **Priests, Personal Counselors, and Health Services Professionals as Confidential Resources**

At Saint Michael’s College, our clergy in Edmundite Campus Ministry, the professional personal counselors and health services staff respect and protect confidential communications from students to the extent that they are able to do so under applicable law. These professionals may have the responsibility to disclose otherwise-privileged information appropriately when they perceive an immediate and/or serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual assault of a person under age 18.

In accordance with May 2020 Title IX regulations, the College will not access, consider, disclose, or otherwise use a party’s privileged records or require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### **Other College Officials**

Other College officials are discreet and strive to respect reasonable privacy expectations to the extent practicable, but they are not able to guarantee confidentiality. General inquiries or questions about this Policy and its procedures may remain private, and the College will strive to protect the privacy of individuals to the extent it can while maintaining its obligations to uphold relevant policies and regulations and/or to take reasonable steps to promote the safety of members of the College community. When confidentiality is requested, the College will evaluate the request for confidentiality in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, faculty and staff and to promote the health, safety, or well-being of members of the Saint Michael’s community.

If an individual filing a report insists that their name or other identifiable information not be revealed and the College is able to respect that request, the College's ability to respond fully to the reported behavior may be limited.

The College will protect the confidentiality of individuals allegedly subjected to Prohibited Conduct to the extent practicable in light of the need to do investigations and conduct disciplinary proceedings.

## **Community Assistance and Resources for Victims of Sexual Misconduct, Domestic Violence, Dating Violence, and/or Stalking**

### **Confidential On-Campus Resources**

Kathy Butts, Director of Personal Counseling, (802) 654-2234

Anna Leavey, Director of Health Services, (802) 654-2234

Health Services, (802) 653-2234

Personal Counseling Services, (802) 654-2234

Fr. Brian Cummings, Director of Edmundite Campus Ministry, (802) 654-2333

### **Responsible and Respectful but Not Necessarily Confidential On-Campus Resources**

Residence Directors and Resident Assistants

Academic Advisors

Faculty Members

Non-clergy staff in Campus Ministry

Assistant and Associate Deans of Students

Public Safety, (802) 654-2000

Dawn Ellinwood, Vice President for Student Affairs / Dean of Students, (802) 654-2566

### **Off-Campus Community Resources**

Hope Works, (802) 863-1236

Colchester Police Department, (802) 264-5556

Chittenden Unit for Special Investigations, (802)652-6800

Vermont State Police, (802) 254-2382

## **Reporting and Initial Considerations Regarding Sexual Harassment/Misconduct, Domestic Violence, Dating Violence, or Stalking Complaints**

The reporting opportunities and initial considerations outlined below apply to concerns about and complaints of Title IX Sexual Harassment (which includes Title IX-covered sexual harassment, domestic violence, dating violence, sexual assault and stalking as defined above as Title IX Sexual Harassment) and Non-Title Misconduct (which includes sexual harassment, domestic

violence, dating violence, sexual assault and stalking as defined above as Non-Title IX Misconduct), whether those concerns involve reported Prohibited Conduct directed against students or employees by students, employees or third parties over whom the College has some measure of control.

### **Reporting by Employees with Oversight Responsibility**

Individuals with supervisory or oversight responsibility (for example, Assistant/Associate Deans of Students, Academic Advisors, Public Safety Staff, Department Chairs, staff supervisors or faculty) are responsible for promptly reporting to the Title IX Coordinator or Human Resources, any complaint or information they learn regarding sexual harassment/misconduct, domestic violence, dating violence, sexual assault or stalking. Failure by a supervisor to appropriately report such complaints and/or alleged acts could result in disciplinary action.

Any student, faculty or staff member or other person who wishes to report a complaint of or concern about sexual harassment/misconduct, domestic violence, dating violence, sexual assault or stalking is encouraged to contact, through the means of communication identified below, Public Safety, the Title IX Coordinator, the Dean of Students, Assistant/Associate Deans of Students, Resident Directors, Academic Advisors, Counselors, Human Resources staff, College Administrators, and/or local law enforcement officials.

Any person may report concerns or complaints about sexual harassment/misconduct, dating violence, domestic violence, sexual assault and/or stalking 24 hours per day, 7 days per week by email to the Title IX Coordinator, Catherine Welch, Ed.D., at [cwelch2@smcvt.edu](mailto:cwelch2@smcvt.edu), during business hours by phone to the Title IX Coordinator at (802) 654-2271, or 24/7 to Campus Public Safety at (802) 654-2374 or (802) 654-2000.

Individuals with a disability may request accommodations to ensure their full and equal participation in reporting incidents of Prohibited Conduct, as well as the investigatory and adjudicatory process under this Policy. Requests for accommodations in connection with the reporting, investigatory and/or adjudicatory process are determined on an individual basis by the Title IX Coordinator, in consultation with the ADA/Section 504 Coordinator as appropriate.

When a student or employee reports to the College that the student or employee has been subjected to dating violence, domestic violence, sexual assault, or stalking, whether the reported conduct occurred on or off campus, the College will provide the student or employee a written explanation of the student's or employee's rights and options, as described in this Policy.

Complaints of sex discrimination by College students, staff or faculty that do not involve alleged sexual harassment/misconduct, domestic violence, dating violence or stalking as defined in this Policy will be handled through the Office of Student Life (for students) and the Human Resource Office (for faculty & staff).

## **Contacting Law Enforcement and Orders of Protection**

In addition to (or instead of) the College's processes, any student who wishes to report a complaint of sexual harassment/misconduct, domestic violence, dating violence, or stalking may and should also pursue criminal charges with local, state, or federal law enforcement agencies.

The Office of Student Life, Public Safety, Human Resources Office, Personal Counseling and Health Services will offer to, and will upon request assist students in contacting law enforcement agencies. This action may be taken regardless of whether an individual chooses to file a complaint with the College. For their own part, a complainant may choose to notify such agencies with or without assistance from the College, or may choose not to notify such authorities. The procedures for making a police report will vary depending upon the particular law enforcement agency involved, but in general, making a police report will involve meeting with law enforcement officers for an interview, the collection of evidence, and follow-up communications with law enforcement as their investigation proceeds.

Individuals who are being or who may have been subjected to Prohibited Conduct may have the right to obtain orders of protection, restraining orders and/or relief from abuse orders from Vermont courts. The College will support complainants if they wish to have the College's assistance in contacting law enforcement authorities and other external resources to seek such orders.

The College will respect such orders to the extent applicable. In addition, the College can also impose no-contact conditions on students, employees and third parties over which it has some measure of control.

The College will inform complainants of their options in this regard.

## **Medical Care and Preservation of Evidence**

Whether or not you decide to pursue criminal charges or a complaint at the College, you are encouraged to immediately seek any necessary medical care after an incident of Prohibited Conduct, and to seek help from appropriate law enforcement, medical or College personnel. Even if you are unsure initially whether you will want to pursue criminal charges or seek a protection order, it is important to preserve all possible evidence in case you decide at some point to do so.

Therefore, you should refrain from changing clothes, showering or otherwise changing your physical state after an incident, until after you have consulted with medical or law enforcement personnel about how to best preserve evidence.

In cases that have involved sexual contact, a forensic examination by a Sexual Assault Nurse Examiner (S.A.N.E.) is the best way to preserve potentially valuable evidence. S.A.N.E. examinations are available at the University of Vermont Medical Center's Emergency

Department, which is located at 111 Colchester Avenue, Burlington, Vermont 05401 ((802) 847- 0000. The College will assist an individual who would like to be transported to the UVM Medical Center for a S.A.N.E. examination. Having a S.A.N.E. examination does not require an individual to file a police report or pursue criminal prosecution or a protection order, but having an examination can be very important if the individual decides at a later time to pursue any of those options.

### **Initial Communication with a Complainant**

If a report alleges conduct that would, if proved, constitute Prohibited Conduct, the Title IX Coordinator will:

- promptly contact the complainant to discuss the availability of supportive measures as defined below;
- consider the complainant's wishes with respect to supportive measures;
- inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- explain to the complainant the process for filing a formal complaint.

### **Supportive Measures**

If Prohibited Conduct is reported to College authorities, College personnel will work with the reported complainant to determine whether alternative academic, transportation, working and/or living situations are reasonably available and necessary in their particular case. Such measures, which are known as supportive measures, will be provided if requested and reasonably available. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to College's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter Prohibited Conduct.

Supportive measures may include but are not limited to:

- access to counseling and medical services;
- assistance in obtaining a sexual assault nurse examination;
- academic accommodations, such as extensions of deadlines or other course-related adjustments, course changes or late drops, or other arrangements as appropriate;
- modifications of work or class schedules;

- assistance in requesting long-term academic accommodations through the Office of Access and Learning Accommodation, if the complainant qualifies as an individual with a disability;
- change in class schedules, including the ability to transfer course sections or withdraw from a course;
- campus escort services and safety planning steps;
- mutual restrictions on contact between parties and/or other individuals;
- residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- assistance navigating off-campus housing concerns;
- changes in work locations;
- leaves of absence;
- increased security and monitoring of certain areas of campus;
- changing transportation or working arrangements or providing other employment accommodations, as appropriate;
- assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable;
- voluntary leaves of absence;
- referral to resources which can assist in obtaining an order of protection under Vermont law;
- referral to resources which can assist with financial aid, visa, or immigration concerns;
- no trespass notices prohibiting the presence of an individual on College property; and
- other similar measures.

Requests for supportive measures should be directed to the Title IX Coordinator. Requests will be evaluated and responded to by the Title IX Coordinator or designee after consultation, as needed, with other campus personnel whose cooperation may be necessary or helpful in evaluating or providing requested measures. The Title IX Coordinator is ultimately responsible for coordinating the effective implementation of supportive measures.

The availability of supportive measures will be determined by the specific circumstances of each report. The College will consider a number of factors in determining which measures to take, including but not limited to the needs of the student or employee seeking supportive measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the parties; whether the complainant and the respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the complainant (e.g., protective orders or relief from abuse orders).

All individuals are encouraged to report to the Title IX Coordinator any concerns about the failure of another to abide by any restrictions imposed through supportive measures. In the event of an immediate health or safety concern, individuals should contact 911 immediately. The College will take prompt action to enforce a previously implemented measure, and disciplinary penalties can be imposed for failing to abide by a College-imposed supportive measure.

The College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community.

As noted above, the College will take reasonable steps to maintain as confidential any supportive measures provided, to the extent that maintaining such confidentiality does not impair the College's ability to provide the supportive measures.

### **Interim Suspension, Emergency Removal and Administrative Leave; Interim Suspension of Students in Non-Title IX Misconduct Cases**

The College may decide at its discretion to suspend a student respondent on an interim basis, that is, while an investigation is pending, in cases that fall within the definition of Non-Title IX Misconduct outlined above. The determination of whether to impose an interim suspension will be made by the Title IX Coordinator in consultation with other College officials as appropriate. A respondent may be suspended on an interim basis when the College has received information which indicates that the respondent's continued presence on campus will likely have a serious effect on the physical, mental, or emotional health, safety or well-being of another person, when physical safety is seriously threatened, or when the ability of the College to carry out its operations is threatened or impaired. The College may permit written challenges to such decisions at its discretion, through procedures determined by the College to be appropriate under the circumstances of a particular case.

### **Emergency Removal of Students or Employees in Title IX Sexual Harassment Cases**

When the College determines that there is an immediate threat to the physical health or safety of any student or other individual arising from reported conduct that falls within the definition of Title IX Sexual Harassment in this Policy, the College can remove a respondent from its

education program or activity (which may include removing an employee respondent from their employment at College, subject to any rights or procedures provided in any applicable collective bargaining agreement) and issue any necessary related no-trespass and no-contact orders. The College will make the decision to remove a respondent from its education program or activity based on an individualized assessment and risk analysis.

If the College makes such a decision, the respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal. Specifically, the respondent shall have forty-eight hours in which to submit a letter to or appear personally or virtually before an individual designated by the President to contest the emergency removal (though a meeting could be scheduled sooner if requested by the respondent, if practicable).

### **Administrative Leave in Title IX Sexual Harassment Cases**

The College always maintains the discretion to place non-student employee respondents on paid administrative leave during the pendency of an investigation and resolution process as outlined below, subject to any rights or procedures provided in any collective bargaining agreements.

The College may also place a non-student employee respondent on unpaid administrative leave during the pendency of an investigation and resolution process, subject to any rights or procedures provided in any applicable collective bargaining agreements.

The College may place student-employee respondents on administrative leave from their employment during the pendency of an investigation and resolution process where deemed appropriate as a supportive measure, under circumstances where it can do so without unreasonably burdening the student-employee respondent.

### **Formal Complaints of Sexual Harassment/Misconduct, Domestic Violence, Dating Violence, Stalking or Related Retaliation**

A student or employee may file a formal complaint of Prohibited Conduct by a student or a third party by contacting the Title IX Coordinator (or in the case of a complaint against the Title IX Coordinator, by contacting the President of the College, who will designate an alternate contact person). A student or employee may file a formal complaint of Prohibited Conduct by an employee or a covered third party by contacting the Director of Human Resources (or in the case of a complaint against the Director of Human Resources, by contacting the President of the College, who will designate an alternate contact person). A student who is filing a complaint against an employee or covered third party may also seek assistance from the Title IX Coordinator, who will provide support to the student in contacting the Director of Human Resources. Relevant contact information is provided above.

The College's procedures for handling formal complaints will be prompt, fair and impartial from the initial investigation to the final result, in that they will be:

- Completed within reasonably prompt time frames as designated in the College’s policies, which time frames may be extended for good cause and/or due to extenuating circumstances, with written notice to the complainant and the respondent of the delay and the reason for the delay;
- Conducted in a manner that is consistent with the College’s policies and transparent to the complainant and the respondent, including timely notice of meetings at which the complainant or respondent may be present, and providing the complainant, the respondent, and appropriate College officials timely and equal access to any information that will be used during the College’s process in accordance with the policies herein; and
- Conducted by officials who do not have a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent in a particular case. If either party is concerned that an official involved in an investigation or adjudication may be biased or have a conflict of interest, the party should share their concerns with the Title IX Coordinator immediately. If their concern is about the Title IX Coordinator, the party should contact the President of the College.

A formal complaint under these procedures is a document filed by a complainant, signed personally or electronically by the complainant (or signed by the Title IX Coordinator under circumstances outlined below), and must request that the College investigate reported Prohibited Conduct. The formal complaint may be prepared by the complainant and submitted in writing to the Title IX Coordinator, or may be written by the Title IX Coordinator based upon the complainant’s verbal description of the alleged conduct, then submitted to the complainant for their review, editing and signature.

### **Determinations of Applicable Procedures, Dismissals, Transfers and Appeals of Such Determinations**

When a complainant requests an investigation, the Title IX Coordinator will promptly upon receipt of a formal complaint:

1. determine whether the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., Title IX *Quid Pro Quo* Sexual Harassment, Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment, Title IX Sexual Assault, or sex-based Title IX Domestic Violence, Dating Violence or Stalking) as defined in the Title IX Sexual Harassment definition stated above;
2. determine whether the conduct allegedly occurred in College’s education program or activity;
3. determine whether the conduct allegedly occurred in the United States on or after August 14, 2020; and
4. determine whether at the time the formal complaint was made, the complainant was participating or attempting to participate in a College education program or activity.

If a formal complaint of conduct that would, if proved, satisfy all 4 of these elements and constitute Title IX Sexual Harassment as defined in this Policy is filed by a complainant or signed by the Title IX Coordinator, it will be investigated and resolved through the procedures applicable to Title IX Sexual Harassment matters as outlined below.

The College will, as noted above, investigate alleged Title IX Sexual Harassment when a complainant submits a signed or electronically-submitted formal complaint to the Title IX Coordinator and requests an investigation. The Title IX Coordinator may also choose at their discretion to sign a formal complaint and initiate an investigation, even if the complainant chooses not to do so. In cases where the complainant does not wish to submit a formal complaint but the Title IX Coordinator decides in their discretion to sign a complaint and initiate an investigation and resolution process, the Title IX Coordinator will not be a complainant or otherwise a party to the matter.

If some but not all of the conduct alleged in the complaint satisfies all 4 of these elements and a formal complaint is received from a complainant or signed by the Title IX Coordinator, the College has the discretion to address the entire matter through the procedures applicable to Title IX Sexual Harassment matters as outlined below (that is, it will as required by federal regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it may choose, to promote efficiency, to follow Title IX Sexual Harassment procedures to address Non-Title IX Misconduct and other non-Title IX alleged misconduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process). The College will make such decisions in the exercise of its best judgment to promote efficiency, and in accordance with applicable law, regulation and U.S. Department of Education guidance.

If it appears based upon initial review or upon information gathered during an investigation that the matter does not satisfy and/or no longer satisfies all 4 of these elements, the College will, as required by the May 2020 Title IX regulations, dismiss the matter for purposes of the Title IX Sexual Harassment process, and will transfer it for handling under the Non-Title IX Misconduct procedures outlined here or in other College procedures, as deemed appropriate by the College. Investigation and resolution of a matter that does not fall within Title IX may be pursued, dismissed altogether, or transferred to another College process, as deemed appropriate in the College's discretion and/or as appropriate under applicable law.

Even if the initial allegations of a matter fall within the definition of Title IX Sexual Harassment, the College may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled at or employed by the College; or

- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint is dismissed by the College under the circumstances described above, the College will simultaneously provide to the parties' written notice (by electronic or other means) of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the appeal procedures outlined below.

If the respondent is a student and an employee, the Title IX Coordinator will determine which procedures apply based upon the facts and circumstances, such as whether the respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If a student-employee is found to have engaged in Prohibited Conduct, the student-employee may be subject to sanctions both in connection with their employment, and in connection with their student status, as appropriate under these and other applicable procedures.

### **Notice**

If the College initiates an investigation of Title IX Sexual Harassment or Non-Title IX Misconduct it will provide to the parties a written notice (by electronic or other means) that includes:

- Information about the College's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting Prohibited Conduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding the College's presumption of good faith reporting and a summary of the College's false information policy (see Student Code of Conduct, Disrespect for Persons; Employee Code of Conduct & Whistleblower policy, Employee Handbook);
- Notification that parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notification of existing counseling, health and mental health services available on campus and/or in the community; and
- Notification that taking any retaliatory action (directly or through others) against any person involved in the investigation is prohibited and will be considered a separate violation of College policy.

In Title IX Sexual Harassment cases, the notice will also notify parties that they may inspect and review evidence during the investigation and resolution process, as provided below.

If in the course of an investigation the College decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known.

### **Consolidation of Formal Complaints**

The College may consolidate formal complaints as to allegations of Title IX Sexual Harassment and/or Non-Title IX Misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of such Prohibited Conduct arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

### **Investigations**

The Title IX Coordinator will appoint an investigator or investigators (generally referred to in the singular here for convenience). Investigators may be College employees or third-party contractors, as determined at the College’s discretion. The College will provide notice to the parties of the identities of the investigators. If a party believes that an investigator has a bias for or against complainants or respondents generally for or against a particular complainant or respondent, or has a conflict of interest, the party may within two (2) business days submit a written objection to the Title IX Coordinator that outlines the basis for their objection to the investigator’s service. The Title IX Coordinator will decide on such objections, and will appoint any alternate investigator, and follow this process as necessary, until an investigator is selected to conduct the investigation.

If a respondent who has been notified of an investigation fails to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based on the information available. In a case where a criminal investigation or criminal proceeding is underway regarding the same incident(s), the College may choose to delay its investigation for a reasonably short period while law enforcement officials are gathering evidence. During this period, the College may implement supportive measures to promote the safety and well-being of the parties and the College community while the law enforcement agency’s fact-gathering is in progress. The College, after a reasonable period and communication with law enforcement, will initiate or resume, and complete its own investigation.

To protect the integrity of the investigation, complainants, respondents, witnesses, affected parties and advisors shall not, except as specifically permitted below in the context of Title IX Sexual Harassment investigations, disclose any information discussed or revealed during the investigation while the investigation and adjudication process is still pending, other than

to the investigator, and/or a confidential resource such as their mental health counselor or attorney (who also must not disclose such information), or a non-attorney advisor (who also must not disclose such information), except if they reasonably believe that disclosing such information to a law enforcement agency is necessary to lessen or avoid a substantial and imminent risk of physical harm to any person, or they are otherwise required by law to do so.

The College will endeavor to complete the investigation portion of the process within 90 days of issuing a notice of investigation as described above, but this may be extended at the College's discretion due to factors such as the complexity of the matter, the availability of witnesses, requests by law enforcement agency for a temporary delay in the investigation process (see below), College breaks, and other legitimate reasons.

Deadlines for parties' review of information and submission of comments may be extended upon request for good cause, at the discretion of the Title IX Coordinator or their designee.

The investigator will conduct an appropriate investigation which may include interviews with the complainant, the respondent, and other persons with information. These interviews may be audio-recorded. As required by the Clery Act, individuals conducting investigations and determination proceedings will receive training annually on the issues related to sexual assault, domestic violence, dating violence, and stalking, and how to conduct an investigation and/or determination process that protects the safety of complainants and promotes accountability.

To the extent permitted by law, the complainant and respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to recommend witnesses and submit evidence. However, investigation logistics, including but not limited to the sequence of interviews, the decision to interview particular witnesses, and the decision to allow or consider evidence offered by the parties, are within the discretion of the investigator.

The complainant and respondent will be asked to identify, preserve and submit all evidence pertaining to the matter under investigation, and to identify witnesses they believe may have relevant testimony to share. The investigator is not required to consider the evidence submitted or interview any particular witness, even if identified by one of the parties. However, in determining whether to interview witnesses or review evidence, the investigator should consider such factors as equity, fairness, thoroughness, and impartial treatment of both parties. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information.

Complainants and respondents are entitled to the same opportunities to have an advisor of their choice present at any interviews, meetings, or proceedings that they are attending related to the investigation and adjudication process under this Policy. The advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate at a meeting. An investigator or other College representative may terminate meetings, and/or proceed with the investigation or

adjudication based on otherwise-available information, if an advisor is disruptive or otherwise refuses to comply with the requirements of this Policy.

While each party may have an advisor of choice, they may not compel any specific person to serve as their advisor. The College's faculty and/or staff may be available to serve as advisors, but none are required to do so.

An individual designated by the Title IX Coordinator will facilitate communications between the parties and the investigator.

### **General Investigation-Related Provisions Applicable Only to Title IX Sexual Harassment Investigations**

The following general investigation-related provisions are applicable only to the investigation of matters that fall within the definition of Title IX Sexual Harassment, as required by the May 2020 Title IX regulations. In such matters, the following provisions will apply:

- Parties' equal opportunity to present witnesses may include evidence from fact and expert witnesses; and
- Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence; and
- Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.<sup>3</sup>

### **Preliminary Investigative Report**

In both Title IX Sexual Harassment matters and Non-Title IX Misconduct matters, when the investigator has gathered all of the information that they determine should be gathered as an initial matter, the investigator will prepare a preliminary investigative report. The preliminary investigative report will summarize relevant evidence but will not contain any recommendations regarding whether the respondent violated this Policy or any other College policy at issue.

### **Preliminary Report Provisions Applicable Only to Title IX Sexual Harassment Matters**

In Title IX Sexual Harassment cases, the following additional provisions will apply during the preliminary investigative report stage of the investigation:

- The College will provide each party with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised, including the evidence upon which College does not intend to rely in reaching a determination regarding responsibility and/or which the investigator does not deem relevant, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of

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<sup>3</sup> Parties to Non-Title IX Misconduct matters will receive adequate notice of meetings and hearings, but such notice may not include all of these elements.

the investigation. Such evidence will not include un-redacted privileged records or information that may have been gathered or received during the investigation, absent written consent from the party holding the privilege.

- The College will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.
- Parties and advisors are not permitted to download, print or copy such evidence subject to inspection and review, and are not permitted to re-disclose such evidence without the College's permission. Parties and advisors will be required to sign an acknowledgment form indicating that they understand these prohibitions. Violations of these prohibitions may subject parties to College discipline under applicable conduct codes.

### **Review and Response to Preliminary Investigative Report**

In both Title IX Sexual Harassment and Non-Title IX Misconduct matters, the complainant and the respondent will have an opportunity to review the preliminary investigative report and provide written responses to the report. The complainant and the respondent must submit any comments, feedback, additional documents, evidence, suggested questions for individuals interviewed, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigator, additional documents or other evidence, within 10 calendar days after the preliminary investigative report is sent or made available to them for review. The parties' written responses will be considered by the investigator prior to completion of the final investigative report, and some or all of the responses may be attached or otherwise incorporated into the final investigative report.

In the event that new, relevant information is provided or identified at this stage, the information will be incorporated into the preliminary report as deemed appropriate by the investigator.

### **Final Investigative Report**

#### **Final Investigative Report Generally**

In both Title IX Sexual Harassment matters and Non-Title IX Misconduct matters, after considering any written response submitted by either party, or after the 10-calendar day comment period has lapsed without receiving a written response or responses, the investigator will address any relevant issues identified by the complainant and/or the respondent, and as appropriate, pursue any additional investigative steps as needed. The final investigative report will summarize relevant evidence, but will not contain a recommendation regarding responsibility. The final investigative report will be reviewed by the Title IX Coordinator before it is issued. Final investigative reports will be provided simultaneously to the parties and their advisors, if any. The College will give each party an opportunity to review the other party's written response, if any. The final investigative report and the parties' written responses, if any, will be provided to the hearing officer in advance of the hearing.

## **Final Investigative Report Provisions Applicable to Only Title IX Sexual Harassment Matters**

The following additional provisions regarding the final investigative report will apply in Title IX Sexual Harassment matters:

- The final investigative report created by the investigator will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator;
- At least 10 calendar days prior to the hearing referenced below, the College will send to each party and the party's advisor, if any, the final investigative report and exhibits in an electronic format or a hard copy, for their review and written response; and
- Any written response a party wishes to provide must be submitted to the Title IX Coordinator or designee within 10 calendar days of receiving the final investigative report and exhibits.

## **Hearings**

The procedures outlined immediately below in this section apply to cases that involve allegations that a student or employee respondent engaged in conduct that, if proved, would fall within the definition of Title IX Sexual Harassment.

## **Hearing and Resolution Provisions Applicable Only to Title IX Sexual Harassment Matters**

### **Hearings**

Live hearings will be provided in Title IX Sexual Harassment matters, as required by the May 2020 Title IX regulations.

### **Hearing Officers**

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the evidence as to whether or not the respondent violated the policy provisions at issue. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

Hearing officers will be appointed by the Title IX Coordinator. In selecting a hearing officer for a particular matter, the Title IX Coordinator will take care to select an individual who does not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent. The College will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within 3 calendar days

of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The Title IX Coordinator or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary.

### **Advisors**

Each party may have an advisor of their choice present at a hearing for the limited purpose of conducting cross-examination on behalf of that party. Advisors may be, but are not required to be, attorneys. If a party does not have an advisor of their choice present at a hearing, the College will without fee or charge to the party provide an advisor of the College's choice, again for the limited purpose of conducting cross-examination on behalf of that party. No later than 10 calendar days before the hearing, parties should inform the Title IX Coordinator of the identity of any advisor of choice who will accompany them to the hearing, so that the College will know whether or not it needs to arrange for the presence of a College-provided advisor.

At a time and manner deemed appropriate by the hearing officer, the advisor for each party will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Except for that limited role, advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the appointment of an alternate College-provided advisor.

### **Requests for Appearance of Witnesses**

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witness's testimony to the Title IX Coordinator or designee at least 10 calendar days before the date of the hearing. The Title IX Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the Title IX Coordinator or designee will inform the witness that their presence at the hearing is required (to the extent that the College has jurisdiction to require the presence of the witness) or requested.

### **Conduct of Hearings and Relevance**

At or before the hearing, the hearing officer will receive a copy of the final investigative report, any attachments thereto, and copies of the parties' written responses to the final investigative report, if any, which will be part of the information of record to be considered by the hearing officer.

Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer, followed by opening statements from any party who wishes to provide one, followed by the hearing officer's asking relevant initial questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer or anyone else present at the hearing.

After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party's advisor to ask the other party all relevant questions and follow-up questions, including those challenging credibility.

Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to each witness, then the parties' advisors will be permitted to ask relevant questions of witnesses.

In accordance with the May 2020 Title IX regulations, such cross-examination by advisors will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors are not permitted to object to hearing officer decisions regarding relevance during a hearing.

Regarding the evidence subject to inspection and review that was provided to the parties and their advisors under the Title IX Sexual Harassment matter-specific investigation procedures outlined above, a copy of such evidence will be made available at the hearing, and each party and/or their advisor (as applicable) will have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged

communications between a party and their attorney), is not relevant unless the person holding the privilege has waived the privilege.

At the request of either party, the College will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Formal rules of evidence do not apply to hearings conducted by the College. The hearing officer may at their discretion consider statements of a party or witness made before or at a hearing and/or other information, and give the weight to such information as they determine is appropriate under the circumstances, regardless of whether the party or witness appears at or answers some or all cross-examination questions at a hearing. Hearing officers will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

### **Record of Hearings**

The College will create an audio or audiovisual recording and/or transcript, of any live hearing, and will make it available to the parties for inspection and review.

### **Determinations Regarding Responsibility**

Within 14 days after the hearing, the hearing officer (and if necessary the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of the College's Title IX Sexual Harassment policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of sexual harassment in the College's Title IX Sexual Harassment Policy to the facts;

- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale therefor; and
- Identification of the College's procedures and permissible bases for the complainant and respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

The determination will also notify the parties whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant, but will not provide details about any such remedies.

If sanctions are necessary, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination regarding responsibility and, if necessary, any sanctions as determined through the procedures outlined below.

### **Resolution and Other Provisions Applicable Only to Non-Title IX Misconduct Matters**

The procedures outlined immediately below in this section apply to cases that involve allegations that a student or employee respondent engaged in conduct that, if proved, would fall within the definition of Non-Title IX Misconduct, as defined above.

### **Hearings**

Live hearings will be provided in Non-Title IX Misconduct matters.

### **Hearing Officers**

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the evidence as to whether or not the respondent violated the policy provisions at issue. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and the nature and substance of any questions asked of parties and/or witnesses.

Hearing officers will be appointed by the Title IX Coordinator. In selecting a hearing officer for a particular matter, the Title IX Coordinator will take care to select an individual who does not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent. The College will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within two (2) business days of such notice, object to the service of the hearing officer by providing a written

statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The Title IX Coordinator or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary.

### **Advisors**

Each party may have an advisor of their choice present at a hearing. Advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the alternate appointment of a College- provided advisor.

### **Requests for Appearance of Witnesses**

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony to the Title IX Coordinator or designee at least ten (10) calendar days before the date of the hearing. The Title IX Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the Title IX Coordinator or designee will inform the witness that their presence at the hearing is required (to the extent that the College has jurisdiction to require the presence of the witness) or requested.

### **Conduct of Hearings**

At or before the hearing, the hearing officer will receive a copy of the final investigative report, any attachments thereto, and copies of the parties' written responses to the final investigative report, if any, which will be part of the information of record to be considered by the hearing officer.

Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer, followed by opening statements from any party who wishes to provide one, followed by the hearing officer's asking relevant initial questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer or anyone else present at the hearing.

After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party to submit to the hearing officer proposed questions that they would like the

hearing officer to pose to the other party. The hearing officer may at their discretion pose, rephrase, or decline to pose any and all such proposed questions. Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to each witness, then the parties may submit to the hearing officer proposed questions that they would like the hearing officer to pose to each witness. The hearing officer may at their discretion pose, rephrase, or decline to pose any and all such proposed questions. No direct cross-examination of parties or witnesses by parties or their advisors will be permitted.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), is not relevant unless the person holding the privilege has waived the privilege.

At the request of either party, the College will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Formal rules of evidence do not apply to hearings under these procedures. The hearing officer will accept, consider and give weight to information as deemed appropriate at the discretion of the hearing officer.

At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

### **Record of Hearings**

The College will create an audio or audiovisual recording, and/or transcript, of any live hearing and make it available to the parties for inspection and review.

### **Determinations Regarding Responsibility**

Within 14 days after the hearing, the hearing officer (and if necessary the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and

sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of the College’s Non-Title IX Sexual Harassment Policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of sexual harassment in the College’s Non-Title IX Misconduct Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale therefor; and
- Identification of the College’s procedures and permissible bases for the complainant and respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

If sanctions are necessary, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination and, if necessary, any sanctions as determined through the procedures outlined below.

### **Standard of Proof**

Proceedings under this Policy use the “preponderance of the evidence” or “more likely than not” standard of proof. This means that for a finding of responsibility to be made, it must be determined that there is more than a 50 percent likelihood that actions or behavior in violation of the policy at issue did occur.

### **Sanctions**

The possible sanctions the College may impose following a finding of responsibility for Prohibited Conduct that does not constitute sexual assault may include but are not limited to:

- verbal or written warning;
- training;
- counseling;
- probation;

- residential relocation;
- class or academic re-assignment;
- no contact order;
- no trespass order;
- suspension of a student's enrollment or an employee's employment;
- dismissal from enrollment or employment at the College and/or referral to a separate process for employment-status-related sanctioning, as appropriate.

The possible sanctions the College may impose following a finding of responsibility for Prohibited Conduct that constitutes sexual assault or sexual harassment may include but are not limited to:

- probation;
- class or academic re-assignment;
- residential relocation;
- suspension of a student's enrollment or an employee's employment;
- dismissal from enrollment or employment at the College, and/or referral to a separate process for employment-status-related sanctioning, as appropriate.

For a fuller description of these sanctions in the student context, please see the "Disciplinary Status Sanctions" section of the **Student Code of Conduct and Policies**. For a fuller description of these sanctions in the employment context, please see the College's **Employee Handbook**.

In cases where a student is found responsible for Prohibited Conduct as defined above, sanctions will be determined by the Assistant Dean of Students / Director of Residence Life and Community Standards or designee. In cases where a faculty member is found responsible for Prohibited Conduct as defined above, sanctions (which may include referral to a separate process for the determination of employment-status-related sanctions, as appropriate), will be determined by a College administrator appointed by the President. In cases where a non-faculty employee is found responsible for Prohibited Conduct as defined above, sanctions (which may include referral to a separate process for the determination of employment-status-related sanctions, as appropriate) will be determined by the Director of Human Resources or designee. Individuals in these positions will be referred to here as "sanctioning officers". In cases where a respondent occupies more than one of these categories, sanctioning officers will determine at their discretion who will determine the sanction, either jointly or individually.

The sanctioning officer will determine sanctions after receiving notice from the hearing officer that a determination of responsibility has been made in a particular case, and based upon a review of file documents and other case-related resources as deemed appropriate at the discretion of the sanctioning officer. The sanctioning officer and the hearing officer will collaborate to

produce one written determination, which will provide notice to the parties of findings regarding responsibility, resulting sanctions, and the rationale therefore. Written determinations regarding responsibility and sanctions will be communicated to the parties simultaneously.

### **Disposition Without a Determination/Dean's Sanction**

In cases where the facts are not in dispute, and a student respondent is prepared to accept responsibility for their actions, the College may, once it has determined that the student respondent understands fully but has decided not to take advantage of the rights provided by the procedures described above, offer the option of Disposition Without a Determination, which is also called a Dean's Sanction. For a full description of the Dean's Sanction process, please see the "Disciplinary Sanctions" section of the **Student Code of Conduct and Policies**.

### **Appeal Procedure**

Each party to a case falling under this Policy has a right to appeal the Title IX Coordinator's dismissal of a formal complaint for Title IX purposes or a determination regarding responsibility on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Within seven (7) calendar days of the date on which the written determination regarding responsibility and, if applicable, sanctions, is transmitted to the parties, either the complainant or respondent may appeal the decision to an appeals officer. The appeals officer for cases involving student respondents will be the Vice President for Student Affairs. The appeals officer for cases involving non-faculty employees will be the Director of Human Resources or designee. The appeals officer for cases involving faculty respondents will be a College administrator appointed by the President. Appeals are initiated by the appealing party's delivery of a statement of appeal to the Title IX Coordinator, who will forward the statement of appeal to the appropriate appeals officer. The other party may be notified of any submitted appeal through the Title IX Coordinator or their designee. The other party may submit a written response to the appeal within 5 working days of delivery of the appealing party's appeal. Both parties will be informed of any change to the results of a disciplinary process that occurs prior to the time that such results become final, and when such results become final. The decision of the appeals officer is final.

### **Informal Resolution**

#### **Informal Resolution of Title IX Sexual Harassment Formal Complaints**

Informal resolution is a voluntary resolution option that does not involve formal hearing-based resolution procedures. Informal resolution may be used in Title IX Sexual Harassment matters in which a formal complaint has been filed by a complainant or signed by the Title IX Coordinator.

At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process (e.g., mediation or restorative justice) where requested by a party and agreed to by both parties. More details about informal resolution procedures deemed potentially appropriate for a particular matter will be provided to parties by the Title IX Coordinator. If a party requests the initiation of an informal resolution process and the Title IX Coordinator agrees that the matter is appropriate for informal resolution, the College will provide to each party a written notice that discloses:

- The allegations;
- The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations:
  - As noted below, the College generally permits parties to withdraw from the informal resolution process and initiate or re-initiate a formal investigation and hearing process at any time before the informal resolution process is completed and any informal resolution is agreed to in writing by the parties); and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

All parties and the Title IX Coordinator must agree to informal resolution for this option to be used. The Title IX Coordinator will assess the request for informal resolution in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to campus community members posed by the reported misconduct, and will only suggest potential informal resolution procedures that the Title IX Coordinator deems potentially appropriate for use in a particular matter. The College will only proceed with an informal resolution process if both parties provide their voluntary, written consent to having the matter resolved through the informal resolution process.

The matter will be deemed resolved if and when the parties expressly agree in writing to an outcome that is acceptable to them and which is approved by the Title IX Coordinator (in consultation with other College administrators as deemed necessary). A party may withdraw from the informal resolution process at any time prior to their execution of a written informal resolution agreement. After an informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding the same factual allegations.

At any time before a matter is resolved through informal resolution, the Title IX Coordinator may terminate an informal resolution process and initiate or re-initiate a formal investigation and resolution process at any time, as they deem appropriate in their discretion.

The College will not offer to facilitate an informal resolution process in any matter that involves allegations that an employee sexually harassed a student.

### **Informal Resolution of Non-Title IX Misconduct and Other Cases**

Informal resolution may also be used in Non-Title IX Misconduct and other alleged policy violation- related cases that fall within the scope of this Policy, whether or not a formal complaint has been filed by a complainant or signed by the Title IX Coordinator, as deemed appropriate by the Title IX Coordinator. The procedures for such informal resolutions will be determined at the discretion of the Title IX Coordinator, with agreement of the parties as appropriate.

### **Educational Programming**

The College will provide educational programming for students and employees addressing the issues of domestic violence, dating violence, sexual assault, and stalking, which will include: 1) primary prevention and awareness programs for all incoming students and new employees; 2) safe and positive options for bystander intervention; 3) information on risk reduction to recognize warning signs of abusive behavior; 4) ongoing prevention and awareness programs for students, faculty and staff who have responsibility for working with students.

## **RESIDENCE LIFE POLICIES**

The residence hall experience should provide opportunities for individual growth and development and an interpersonal environment that reflects responsible citizenship and a concern for others, as well as an atmosphere conducive to learning.

Residence halls should foster sufficient self-discipline among students so that a reasonable degree of order and a maximum degree of personal freedom and privacy prevail. To this end students develop “social contracts” with members of their living areas to define appropriate behaviors geared towards respect for one another and creating a non-intimidating environment. Students are then free to enjoy those personal growth experiences that come both through introspection and through interpersonal relationships, complementing and enriching the education gained in formal classroom instruction.

### **Housing Requirements**

All full-time undergraduate students must live on campus. Exceptions include those students who live locally with their parents or students who are financially self-supporting according to federal guidelines (with appropriate documentation). Students who qualify for these exceptions should email [housing@smcvt.edu](mailto:housing@smcvt.edu) to notify the College of their plan to live off campus. Housing requirements do not pertain to graduate students.

The Residence Fee is for room, board and campus services. The Apartment Residence fee is charged to upper class students living in the Townhouses and Apartments. The Traditional Residence fee is charged to students living in the remaining areas. Students living in College housing are required to have their meals in the College Dining Hall. Students in traditional housing will have a “carte blanche” meal plan. Upper-class students living in apartment housing will have a 40-block meal plan per semester. The college reserves the right to change meal plans as deemed appropriate. All meal plans cease at the end of each semester and are not transferable.

Prior to the beginning of each school year, each student shall sign a Residential Contract which states specific terms and conditions relating to College room and board. The contract is binding for the academic year. Termination of the contract can only be granted in exceptional cases, at the discretion of the Director of Residential Life.

### **Expectations to On-Campus Residency Requirement**

As outlined above, all full-time undergraduate students must live on campus. Requests for exceptions to this policy must be made in writing to [housing@smcvt.edu](mailto:housing@smcvt.edu).

Students who receive an exception to live off-campus should understand that terms of the rental should be agreed upon between the student and the owner of the residence. The College can in no way act on behalf of either party.

Once a student is approved to live off-campus, they are not eligible to participate in any future room selection process. Students wishing to move back onto campus must submit a written request to the Student Life Office and will be housed on a space available basis.

A student's residential fee will be terminated once the student submits the appropriate paperwork and room keys have been returned (if during the semester). When moving off-campus, students forfeit their right to participate in future campus housing lotteries.

### **Transportation Off Campus**

Students who are transported off campus for violation of campus policy will be transported via the Colchester Police or Saint Michael's College Fire and Rescue. Students who need to be transported off campus for emergency medical or mental health needs will be transported via Saint Michael's College Fire and Rescue. If a student refuses to be transported by Saint Michael's College Fire and Rescue they will be responsible for their own transportation.

All other transportation to off campus appointments is the responsibility of the student.

### **Room Occupancy**

Rooms may be occupied from the day before classes begin until twenty-four hours after the student's last final examination or at the designated time specified in the student's Residential Contract, whichever comes first. The Residence Areas will be open during Thanksgiving and Easter break at no extra charge. In accordance with the Residential Contract, meals will not be served during these times. The Residence Areas will be closed during periods between semesters and during Spring Break. In special circumstances, students may be allowed to stay in the Residence Halls during semester recess at the discretion of the Director of Residence Life. Students may be charged an additional fee to remain on campus during these times.

Students must have room changes approved by the Student Life Office. Unauthorized room changes are prohibited and may result in fines and /or further sanctions.

Rooms of all students should be kept locked when occupied. The College is not responsible for personal property missing from rooms.

Saint Michael's College reserves the right to enter student rooms during all vacation and break periods for routine inspection for maintenance and safety reasons. Specifically, turning down radiators, unplugging electrical appliances, and closing and locking windows are some of the routine inspection tasks to be accomplished with the permission of the Dean of Students and/or their designee. Routine inspections will be done by Residence Hall staff members and/or Facilities department staff who will tour houses, apartments, halls, suites, and/or student rooms according to a plan approved by the Dean of Students. During these inspections, any property in open view to be Saint Michael's College food service, municipal or illegally possessed property will be documented up by residence hall staff and reported to the student and the Student Life

Office. The Student Life Office may follow up on any reports with room occupants with the intent of returning wrongfully possessed property to its rightful owners. Appropriate disciplinary or civil action may result in those cases where it is determined that a student in possession of stolen or illegally possessed property.

Every effort will be made to respect the privacy of the occupants. However, the Dean of Students or a designee reserves the right to enter any room at any time where the Dean of Students or a designee believes that the safety of the occupants or other individuals may be at risk, or that serious violations of College policy may be occurring. Preferably there shall be at least one occupant present at the time of such entry, but this cannot be guaranteed under all circumstances. The Student Life Office may require a student to move whenever the best interest of the College indicates such action. Housing assignments may be altered by the Director of Residence Life or their designee in to achieve the goal of accommodating students with special needs and/or if the best interest of the college indicates such action.

### **Room Selection**

Students will select housing for the following academic year during the spring semester. Information on the process, including dates, times, and procedures will be publicized to all students before the process begins.

### **Room Keys, Replacements, & Lockout Policies**

#### **Move In**

Keys will be issued to each student at the beginning of each academic year. New Students will receive a room key, a mailbox key, and a KnightCard. The KnightCard is used as the exterior key to the residence halls, and in some cases, individual suites or apartments.

#### **Move Out**

At the end of the academic year, students must return all keys that were issued to them at the beginning of the year. Students should keep their mailbox key and Knightcard for the next academic year. If the student is not returning to Saint Michael's College, they should return their mailbox key and Knightcard. Students will be charged for any keys that are not returned.

#### **Lost Room Keys**

Residents MUST report lost keys immediately.

To minimize potential security risks, the lock core on the room door will be changed and new keys will be issued.

## **Lost / Replacement KnightCards**

In the event of a lost KnightCard, the replacement cost is \$40. (In the event that a KnightCard has become demagnetized, the replacement cost is \$15.)

## **Lockouts During Office Hours**

Lockout keys and Lockout fobs are available at the Student Life Office during business hours (Monday-Friday 8:30am- 4:30pm.) To obtain a spare key, students will need to present their your KnightCard or an alternative form of valid identification.

Lock out keys will be provided at no charge for the first **three** requests. However, failure to return the lockout key or lockout fob will result in a fine (\$25 per key / \$100 per fob). Residents may be asked to verify that they are in possession of their original room key by presenting it when they return the lock out key.

When a resident exceeds three requests per semester, each new lock-out request during office hours will incur a fee of \$35 per incident.

Failure to return a lockout key within 48 hours may result in a charge to the students' account for a missing key.

## **Lockouts Outside of Office Hours**

If you are locked out at a time outside of office hours, you may call the Switchboard (802.654.2000) for a lockout. Switchboard will contact the RA on Duty or a Public Safety Officer to assist.

## **Lockouts Outside of Office Hours Completed by Residence Life Staff Members**

Lock outs will be provided by a Residence Life staff member at no charge for the first **three** requests. When a resident exceeds three requests per semester, each new lock-out request will incur a fee of \$35 per incident.

## **Lockouts Outside of Office Hours Completed by Public Safety**

Lock out keys will be provided by a Residence Life staff member at no charge for the first **three** requests. When a resident exceeds three requests per semester, each new lock-out request will incur a fee of \$35 per incident.

## **Fees**

All fees for room key replacement, knight card replacement, lockouts, lock changes will be placed on your Student Account. The fee will show as "Key Replacement".

## **Other**

College-authorized personnel may be issued resident room keys in order to carry out routine maintenance and to perform other duties. The College reserves the right to enter resident rooms to conduct repairs, to perform inspections, to respond to emergencies or to restore order, as is noted in the Code of Conduct. Every effort will be made to notify residents in advance.

## **Post Office Keys**

Post Office Keys, combination locks, and mailbox assignments will be issued from the Post Office during regular Post Office hours. When a student graduates or withdraws from the college and if they do not return the student's Post Office keys, they will be billed for replacement. If a Post Office key is lost, a new key can be obtained from the Post Office.

## **Unauthorized Keys**

Both unauthorized possession of keys (including copies) to College buildings and facilities, and breaking and entering are an offense which may result in disciplinary action.

Exterior access to all residence halls is via a proximity card system. All Saint Michael's students must carry their College ID at all times, and especially as it serves as a residence hall key.

**PLEASE DO NOT PUNCH HOLES IN YOUR ID AS IT WILL DEACTIVATE THE ELECTRONICS CONTAINED INSIDE THE CARD.**

## **Room Alterations (Lofts)**

Due to Federal and State building codes and/or fire safety standards, there are strict guidelines limiting the construction of 'lofts' in residence hall rooms. Generally speaking, lofts may be installed for the purpose of raising beds so as to provide additional useable floor space in a room.

Key considerations in this policy are safety and function of the fire protection systems in residence hall rooms. There must be reasonable access to the room and bed, and the loft may not hinder in any way the function of the smoke detector or sprinkler head.

The following guidelines must be adhered to in the installation of any lofts:

The loft area may not exceed 150% of the surface it supports. (i.e. if a single mattress is 16 sq. ft. then a single loft may not exceed 24 sq. ft.)

The top of the mattress may be no less than 36 inches from the ceiling. Lofts may not be installed directly below a sprinkler head.

Access to the room may not be compromised in any way by the installation of a loft. Metal lofts are available and recommended. Any lofts constructed of combustible material (wood) must be painted or coated to retard combustion.

College beds must be incorporated into the structure of lofts and may not be removed from rooms. The College does not provide storage.

No structural or electrical changes may be made to the room, and lofts may not be bolted or nailed to walls.

Any lofts that does not adhere to this guideline or is deemed to be unsafe may be ordered removed from the hall.

All lofts or other changes must be removed by the final day of the academic year and room returned to its original condition.

Students departing prior to the end of the academic year will be responsible for insuring that the loft is removed and that the room is restored to its original condition.

Failure to do so will result in a charge to cover the cost of removing any construction and the cost of reinstating the room to its original condition after the room is vacated. Abandoned material must be carried to exterior trash dumpsters.

### **Room Condition / Damages**

Saint Michael's College provides housing to students that will be safe, functional and well maintained. This creates a partnership between the students and the Residence Life, public safety and Facilities staff. Through scheduled inspections and work orders, the SMC Facilities staff will work diligently to maintain the housing to these standards. Students living in campus housing are responsible for their space. When work orders are placed, Facilities staff will respond and perform the necessary work.

- Items that wear out or are broken due to normal wear and tear will be fixed at no cost to students.
- Items that are broken due to vandalism, mistreatment or blatant disregard for property or conditions will be charged to the student or students responsible for the space.

At the conclusion of the academic year, all rooms must be restored to their original or comparable condition. A final room check will be conducted by Residence Life Staff after students have vacated their rooms.

Students will be billed for any damage, missing furniture, or excessive cleaning of the room.

Charges will reflect amounts listed in the Repair and Replacement Price List that is made available to all students.

Students are responsible for their living area. If damage happens in a bedroom, the individual student is responsible. If damage happens in a suite or apartment, all residents will be held responsible.

All furniture issued by the college must stay in the room.

The painting or stenciling of any room, suite, or townhouse is considered damage.

Student Life and Facilities staff will perform health and safety inspections at least twice during the academic year. These inspections will occur after the close of the residence halls for the fall semester and two weeks prior to the closing of the residence halls for the academic year.

Students are responsible for their living space and anyone in that living space including guests of the campus. If someone else causes the damage and they are willing to take responsibility, they will be charged. If not, all room/suite/apartment residents will be held responsible and will be charged accordingly.

### **Room Decorations**

Pictures and decorations must be hung in such a way as to protect and not to damage the walls, ceilings, doors, and paint.

Because candles and incense are both open flames and considered fire hazards, neither are permitted in any residential facilities. Halogen torchiere lamps are prohibited in all residence halls/apartments/houses.

All holiday lighting must be UL approved and only used INDOORS.

### **Room Care / Sanitation**

The College has tried, within its resources to provide a comfortable and pleasant environment for its students as one of the means of achieving academic and personal success. It is a normal expectation that only a minimum amount of repair and renovation will be necessary from one year to the next to make living areas ready for new occupants. It is the responsibility of every student to help achieve this goal by maintaining a neat, clean, and damage-free living area.

### **Cooking**

Any type of cooking except by low voltage microwave ovens and what is done in designated areas in residence halls is forbidden at all times. For reasons of safety, hot plates and cooking apparatus are not permitted.

### **Refrigerators**

Refrigerators (4.0 cubic feet or smaller) are permitted in student rooms. For reasons of safety, refrigerators are never permitted in the corridor of any student residence hall.

## **Pets**

No pets may be kept in residence halls and campus apartments or brought into any buildings on campus other than service or assistance animals for individuals with disabilities, the presence of which is required by law. Students found in violation of this would be subject to a fine and/or disciplinary action.

## **Cinder Blocks**

Cinder blocks are not allowed in any residential area.

## **Quiet Hours**

Being courteous to your neighbor is a value that is important to the development of positive communities. In this light, courtesy hours are in effect at all times and quiet hours have been established between 9:00 p.m. and 9:00 a.m. Sunday through Thursday and 11:00 p.m. - 9:00a.m. on Friday and Saturday.

During the final exams periods there will be 24-hour quiet hours in all residence halls and apartment buildings. This period will begin on the last day of classes and go through the end of the final exam schedule.

## **Hall Sports**

Games or sports including but not limited to activities such as hockey, golf, bouncing balls, water fights and bike riding are not permitted in the residence halls. Concern for safety of students and disruption to the living community serve as rationale for this policy.

## **Common Areas**

Bathrooms, kitchens, hallways, lounges, and laundry rooms are considered common areas, and are made available to all students. Personal items, such as, but not limited to clothing, bicycles, and athletic equipment may not be stored in common areas.

Students will be held responsible for damages occurring in common areas. If the individual student(s) who are responsible cannot be identified, charges will be divided among all student who live in the affect building. Stairways and hallways must be kept free from all furniture and personal belongings as such objects can pose a fire safety hazard.

## **Smoking**

Saint Michael's College is a tobacco free institution and smoking is not allowed in any area on campus. Please see the Tobacco Free Campus Policy.

## GUEST POLICY

As a Catholic college, Saint Michael's College is committed to respecting the inherent dignity of each person, and this value must be of greatest priority to all of our students. For Saint Michael's College resident students, the right to sleep, study, and remain in one's living space should always take precedence over the privilege of having guests. Furthermore, reflective of Catholic values and moral teaching, Saint Michael's College encourages relationships between young adults that foster physical, emotional, and spiritual well-being and, as such, the College does not permit cohabitation.

A guest can be defined as a non-student, a family member, an alumnus, or another Saint Michael's College student not assigned to a particular room. Whether during the day or overnight, guests are only permitted to be in that individual residence hall room with the consent of a resident's roommate(s). Students are expected to communicate with each other in order to work out arrangements for guests within a shared room. Members of the Residence Life staff are available to assist students who may require support or guidance in working with a roommate about the presence of guests in their shared space/suite/house, especially in cases where a roommate displays a lack of consideration for others or abuses the privilege of hosting guests.

All non-student guests must be registered in accordance with the online guest registration process and must carry a valid photo I.D. and printed out guest form at all times. All Saint Michael's College student hosts must inform their Resident Director of any guest visitors.

[https://cm.maxient.com/reportingform.php?SaintMichaelsCollegeVT&layout\\_id=3](https://cm.maxient.com/reportingform.php?SaintMichaelsCollegeVT&layout_id=3)

Individuals who have been trespassed on College property or are restricted for any reason may not be registered as a guest.

Students are permitted to host no more than two guests during any period of time. Guests cannot stay beyond two days / nights in a one-week period. If a guest is under the age of 18, the student must obtain permission from the Director of Residential Life. As is the expectation with all our students, guests must use a bathroom designated for their gender or gender-neutral.

Students are responsible for the conduct of their guests and for ensuring that guests adhere to all College policies. Student hosts must be with their non-student guest(s) at all times unless authorized by their Resident Director. If a non-student guest is found without a host or in violation of College policy, they may be immediately removed from campus.

Students in violation of this policy are subject to the College's Community Standards process and may receive sanctions including, but not limited to, loss of guest privileges.

## **ANIMAL POLICY**

For reasons of health, safety, compassion for animals, and inconvenience to other students; animals other than service animals and approved Emotional Support Animals, the presence of which is required by law are not permitted in College buildings or on college properties.

## **SERVICE ANIMALS POLICY**

Saint Michael's College recognizes that Service Animals can play an important role in facilitating the independence of some individuals with certain types of disabilities. In addition, the health and safety of Saint Michael's College students, faculty, and staff are important concerns. Therefore, Service Animals that meet the criteria described below will be exempt from the College's Animal Policy.

College community members who have questions or concerns about the presence of Service Animals on campus should direct those questions to the Dean of Students, Director of the Bergeron Wellness Center, or the Director of Accessibility Services.

### **Service Animals**

A Service Animal is defined for purposes of the Americans with Disabilities Act and similar federal and state laws as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or task must be directly related to the person's disability. Examples of such work or tasks include guiding a person with impaired vision, alerting a person with a hearing impairment, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, and/or performing other duties. Trained Miniature Horses are also considered to be Service Animals in some cases. Service Animals are working animals, not pets. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of this definition (see the College's "Emotional Support Animal" Policy. Service Animals in training who are with a member of the College community who has a disability, and with whom the animal will be working as a Service Animal, are considered to be Service Animals for the purposes of this policy.

Students with Service Animals are permitted generally to bring their Service Animals in all areas of a place of public accommodation, such as classrooms, residence halls (including the private residence assigned to the student), activities and events, and dining facilities. However, Service Animals are not permitted if they pose a direct threat to health or safety, if their presence constitutes a fundamental alteration to the nature of a program or service, if they cannot effectively be controlled, or if they are not housebroken.

Students planning to bring a Service Animal to campus are encouraged to work closely with the Student Life Office and the Office of Accessibility Services. Students intending to keep a Service Animal in a residence hall are encouraged to provide notice to the Director of Residence Life at least 30 days in advance on a form obtained from the Student Life office.

When it is not readily apparent that the animal is a Service Animal, the Director of Residence Life may ask the student if the animal is required because of a disability, and what work or task the animal has been trained to perform, but will not ask about the nature of the student's disability for this purpose. The Director of Residence Life will not require documentation about the training of a Service Animal.

Students are encouraged to provide identification that the animal is a Service Animal so that others are aware it is a working animal.

See below for a description of the student's responsibilities and the reasons for removal of Service Animals.

**Requirements of Service Animals and their owners include:**

- The owner of the animal must be in full control of the animal at all times.
- Animals must be licensed in accordance with municipal regulations and, if appropriate, must wear a valid vaccination tag.
- Animals must be in good health. Any service/assistance animals occupying College housing must have an annual clean bill of health from a licensed veterinarian.
- Service Animals should wear some type of easily recognized identification symbol (i.e., harness, backpack).
- The owner is responsible for appropriate waste clean-up and overall cleanliness of the animal.
- The owner is responsible for the appropriate management of his or her animal in all College facilities. Disruptive and/or aggressive behavior on the part of the animal may result in the owner being asked to remove the animal from College facilities.
- The owner is responsible for any property damage or personal injury caused by the animal, or pest control (i.e. flea treatment) required because of the animal.

**Etiquette with Service Animals**

- Allow a Service Animal to accompany their owner at all times and everywhere on campus except where Service Animals are specifically prohibited.
- Do not pet a Service Animal without permission of the owner; petting a Service Animal when the animal is working distracts the animal from the task at hand. Service dogs typically wear a leather harness, scarf or sign to indicate they are working animals.
- Do not feed a Service Animal. The animal may have specific dietary requirements.
- Do not deliberately startle a Service Animal.
- Do not separate or attempt to separate an owner from her or his Service Animal.

## **EMOTIONAL SUPPORT ANIMALS POLICY (ESA's)**

Saint Michael's College recognizes that Emotional Support Animals (ESAs) can play an important role in facilitating the independence of some individuals with certain types of disabilities. In addition, the health and safety of Saint Michael's College students, faculty, and staff are important concerns. Therefore, ESAs that meet the criteria described below will be exempt from the College's Animal Policy.

College community members who have questions or concerns about the presence of an ESA on campus should direct those questions to the Director of Housing Operations OR Director of the Bergeron Wellness Center.

### **Emotional Support Animals**

An ESA is any animal that does not meet the definition of "Service Animal" outlined in Saint Michael's College policy but that provides emotional support that alleviates one or more symptoms or effects of a residential student's disability.

### **Qualifications and Process**

1. With advance approval, a student with a disability may have an ESA in their residence hall as an accommodation. The ESA must either be: within the confines of the owner's residence hall; with the owner on the grounds immediately surrounding the hall; or with the owner in other outdoor areas where animals are not prohibited. Only ESAs that do not pose a direct threat to the health or safety of others, do or would not cause substantial physical damage to College property or the property of others, or do or would not fundamentally alter housing operations will be allowed. Though a request may be made at any time, the Student Life Office of Student Life and the Bergeron Wellness Center requests appropriate documentation for need to be made at least two weeks prior to an ESA's arrival on campus, so that the College can review the request thoroughly.
2. The request must be supported by documentation from a licensed mental health professional (e.g., psychologist, psychiatrist, social worker) or otherwise qualified medical professional (e.g., a physician or physician's assistant) who is providing on-going treatment for the condition that causes the disability, which documentation must include the information requested on the College's Request for Information Re: Emotional Support Animal form. That form requires the student and their treating professional to provide, in general, information about:
  - The student's physical or mental impairment and how it substantially limits one or more major life activities;
  - The proposed ESA; and
  - Why, in light of the student's disability, the ESA is necessary to provide the student an equal opportunity to use and enjoy College housing.

More detailed requests for information under these subheadings are outlined on the [Request for Accommodation Re: Emotional Support Animal form](#).

3. As part of the approval process, the student must provide a physical description of the animal, and must agree that if their request to reside with an ESA is granted, they will comply with all of the terms and conditions of the College's Emotional Support Animal Agreement, which include the "Responsibilities of the Owner" specified below. It is recommended that the animal is at least 12 months old and has been in the possession of the owner or family for at least 6 months.
4. The request will be reviewed by:
  - a. Director, Bergeron Wellness Center
  - b. Director of Housing Operations

### **Responsibilities of the Owner**

Owners granted the accommodation of an ESA in their residence hall unit will be subject to the following rules, in addition to any other College rules not specifically related to ESAs. The owner must:

- **Keep the Animal in Residence Hall Unit or Other Approved Areas.** An ESA must either be: within the confines of the owner's residence hall; with the owner on the grounds immediately surrounding the hall; or with the owner in other outdoor areas where animals are not prohibited. The animal must be contained within the owner's privately assigned individual living accommodations except to the extent the owner is taking the animal out for natural relief. When the animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. ESAs are not allowed in any College facilities other than the housing to which the resident is assigned.
- **Keep the Animal under Control.** The ESA must be properly housed and restrained or otherwise under the dominion and control of the owner at all times. No owner may permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to immediate removal from College housing. Likewise, the dog cannot exhibit aggressive behavior towards other animals or people. Such behavior will be grounds for immediate removal of the animal from campus.
- **Abide by Laws and Policies.** The owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the owner's responsibility to know and understand these ordinances, laws, and regulations. The College has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate and license. Additionally, the owner must abide by all equally applicable residential policies, such as assuring that the animal does not unduly interfere

with the routine activities of the residence or cause difficulties for other individuals who reside there.

- **Ensure the Animal is Well Cared For.** The owner is required to ensure that the ESA is well cared for at all times. Any evidence of mistreatment, abuse, neglect, or leaving the animal unattended for unreasonably long periods of time may result in immediate removal of the animal and/or discipline for the responsible individual pursuant to the Saint Michael's College Student Code of Conduct and/or any housing-related sanctions. College personnel will *not* provide care or food for any animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire or fire alarm. Emergency personnel will determine whether to remove an ESA and may not be held responsible for the care of, damage to, or loss of the animal. Additionally, ESAs may not be left overnight in College housing to be cared for by any individual other than the owner. If the owner is to be absent from the residence hall overnight or longer, the animal must accompany the owner. The owner is responsible for ensuring that the animal is contained appropriately when the owner is not present during the day if attending classes or engaging in other activities.
- **Be Responsible for Property Damage.** The owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by the College. The College may charge an individual with a disability for any damage caused by their ESA beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The owner's living accommodations may also be inspected for fleas, ticks or other pests if deemed necessary. If fleas, ticks or other pests are detected through inspection, the owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The College will have the right to bill the owner's account for unmet obligations under this provision.
- **Notify the Office of Student Life if ESA is No Longer Needed.** An ESA is allowed in College housing for only so long as it is necessary because of the owner's disability. The owner must notify the Office of Student Life if the ESA is no longer needed or is no longer in residence. If an owner wishes to replace an ESA, the owner must, at a minimum, provide with respect to the proposed replacement ESA the information about proposed ESAs that is requested on the Information About the Proposed ESA portion of the Request for Information Re: Emotional Support Animal form; the College will determine on a case-by-case basis what other information and related documentation needs to be provided with respect to a proposed replacement ESA, and will determine whether to approve or deny a request for a replacement ESA. The College will inquire annually regarding any potential changes in a student's need for an ESA.
- **Remove the Animal if Directed by the College.** The College reserves the right to direct the student to remove the animal from campus if:
  - The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others, including College property;

- The animal's presence results in a fundamental alteration of a College program;
- The owner does not comply with the Responsibilities of the Owner set forth above and/or an Emotional Support Animal Agreement signed by the owner; and/or
- The animal or its presence creates an unmanageable disturbance or interference with the College community.

**Violations of this policy will be referred to the Office of Student Conduct and Community Standards through the Dean of Students Office.**

# **SAINT MICHAEL'S COLLEGE TOBACCO-FREE CAMPUS**

## **Preamble**

Saint Michael's College is committed to providing a healthy working and learning environment for the entire campus community. To that end, a tobacco-free campus shall be established. The purpose of this policy is to reduce harm from tobacco use and secondhand smoke, provide an environment that encourages persons to be tobacco-free, and promote a campus culture of wellness.

## **Definitions**

**College property** All college-owned property, which includes but is not limited to college grounds (including North Campus), campus buildings, residential buildings, parking areas, walkways, recreational and sporting facilities and college-owned vehicles.

## **Tobacco Use**

Use of all forms of tobacco, including but not limited to cigarettes, cigars, shisha, pipes, water pipes (hookah), electronic cigarettes, and all forms of smokeless tobacco including but not limited to chew, snuff, sticks, strips, and orbs.

## **Policy**

Saint Michael's College is a tobacco-free campus. This policy applies to faculty, staff, students, contractors, vendors and visitors. The use of tobacco, e-cigarettes, vapor pens and all smoking products are not permitted on any college-owned property.

The sale, advertisement, distribution, and sampling of all tobacco products and tobacco-related merchandise are prohibited at College properties and its owned, leased, or operated buildings. Institutional Review Board approved research on tobacco or tobacco related products is not covered by this policy.

Smoking and/or tobacco use may be permitted for traditional ceremonial activities of recognized cultural and/or religious groups.

## **Education**

Educational information and smoking cessation services, programs, and resources are available to students, faculty and staff through Student Health Services and the Office of Human Resources.

## **Roles and Responsibilities**

It is the shared responsibility of all members of the campus community to respect and abide by this policy. Administrators, deans, directors, department chairs, supervisors, and event sponsors will communicate the policy within their areas of responsibility.

Saint Michael's College will provide access to tobacco cessation resources to SMC students and employees.

Visitors refusing to comply with this policy may be asked to leave campus.

### **Implementation**

The successful implementation of this policy depends on the courtesy and cooperation of the entire campus community. Appropriate signage will be posted in campus facilities, on the SMC website and elsewhere to inform members of the campus community and visitors of the Tobacco-Free Campus Policy.

The policy will be communicated in appropriate college publication and contracts. College publications include but are not limited to electronic notifications, handbooks, brochures and other college-generated materials.

This policy shall be effective on September 1, 2016. Compliance with this policy is expected.

If an individual has a difficult time complying with this policy, the student should talk to a supervisor or the Division of Student Affairs to access resources for stopping tobacco use.

### **Resources**

For more information about the Tobacco Free Campus Policy and/or tobacco cessation resources and services, contact Student Health Services at (802) 654-2234.

Saint Michael's College appreciates your compliance with this policy for the benefit of everyone deserving access to a campus that promotes health and wellbeing for all.

## **ALCOHOL AND OTHER DRUG POLICY**

### **Philosophy**

A goal of Saint Michael's College is to encourage preparation of our students for living, learning and working as responsible members of our community. Given this goal, the College pursues seeks two fundamental goals:

- To provide an atmosphere in which students are encouraged to make informed and responsible decisions.
- To demonstrate reasonable care to keep our campus free from conditions that create or increase the risk of harm.

Students should have the information, resources and support necessary to make responsible decisions regarding alcohol use and abuse. Information available through Student Health Services, the Persona Counseling Office, the Student Life Office, and the Student Association enhance education efforts regularly presented on campus. A variety of services are available from these offices as well for students who seek assistance for substance abuse problems. Saint Michael's College seeks to construct a learning and living environment in which students will behave responsibly. Activities that promote or encourage abusive drinking, such as drinking games, drinking paraphernalia, multi-liter containers or rotational parties are considered by the college to be irresponsible and in violation of College policy. Such activities hinder the College's attempt to eliminate conditions that create or increase the risk of harm.

### **Alcohol Policy**

Our policy is framed with the following consideration in mind: Vermont State Law dictates that in order to legally possess or consume alcohol and individual must be 21 years of age.

Vermont Law, and therefore, Saint Michael's College:

- Prohibits misrepresenting one's age for purposes of purchase or consumption of alcoholic beverages.
- Prohibits those of legal age from serving an individual who is visibly intoxicated.
- Prohibits those of legal age from purchasing for and/or serving alcohol to minors.
- Prohibits operating a motor vehicle while under the influence of alcohol.
- Mandates that any individual who is dangerously intoxicated be taken into protective care.

In light of these consideration Saint Michael's College has established the following goals:

- To stress moderation, safety and individual accountability.
- To provide a college atmosphere free from social pressure to drink.

- To maintain and encourage a sense of community where the effects of alcohol abuse are minimal and where problem behavior is reduced.
- To provide information and education which encourages responsible decision making with regard to alcohol use.
- To provide an atmosphere where we can further encourage programming that is not alcohol related.
- To provide confidential and effective counseling services for those with special needs related to alcohol abuse and alcoholism.
- To minimize the potential liability of both the individual and the institution.

### **Guidelines**

Common sources of alcohol (kegs, beer balls, or their equivalent) are permitted at a college approved event when catered by a licensed caterer. (See Approval of Events Involving Alcohol). Kegs and beer balls, whether empty or full, tapped or untapped, will be confiscated by the College. Possession of a tap will be regarded as evidence of a violation of the keg policy. Outdoor drinking on college grounds is permitted at an organized and catered event approved by the Dean of Students or appropriate designee.

Alcohol is not permitted on or near the athletic fields during athletic contests, i.e., intercollegiate, club or intramural.

At events sponsored by the college, college organizations, or employees where underage students are in attendance no alcoholic beverages will be served with the exception of those approved events served by licensed caterers. Carrying open containers of alcoholic beverages or consuming them in any public area of campus is prohibited. Student groups, organizations or clubs which sponsor an event where alcohol is sold/served may not use Student Association monies to purchase or provide by any means alcoholic beverages for the event. It is a violation of these policies to be intoxicated to the point of significant impairment of mental or physical ability. Students who are intoxicated beyond control may be mandated by the Dean of Students or designee to attend a College alcohol education program and may also be subject to disciplinary action. Students who procure alcoholic beverages for, or who serve underage individuals are not acting in a responsible manner. A student who contributes in anyway, however minor, to the intoxication of another person may be held personally liable for any injury or damage the intoxicated person causes or in which the student becomes involved.

### **Approval of Events Involving Alcohol**

Events where alcohol is present may be approved depending on the nature of both the event and the facility and capacity of the facility, age distribution, and demonstration by the sponsoring organization of its ability to comply with State law and college regulations.

Only those of legal drinking age may have and consume alcohol in TOWNHOUSES AND GRADUATE (AND APARTMENT TYPE) HOUSING. Consumption of alcoholic beverages is prohibited in the remainder of campus housing.

The approval of the Student Life Office is required, and the event must be registered with the Student Life Office.

Methods for the accomplishment of these guidelines will be outlined by the Student Life Office during the event planning process. These methods include the following:

- All events must end by 1:00 a.m.
- All parties are prohibited Sunday through Thursday except with special permission.
- Sponsors are responsible for supervision of the event.
- Public Safety must be notified and hired when deemed necessary by the Office Student Life. Access must be restricted and accommodation limits (in conformance with Vermont fire/safety laws and the Student Code of Conduct) must be adhered to.
- Non-alcoholic beverages and food must be provided. A guest roster is required.
- Sponsors are responsible for cleanup.

Approved campus-wide events involving alcohol must be catered for and licensed in accordance with Vermont State Law.

Alcoholic beverages may only be sold at catered events. To request money (donation, tickets) as a condition of admission to a non-catered event is comparable to selling alcohol without a license and is therefore a violation of Vermont State Law and College policy.

## **Alcoholic Beverage Advertising, Marketing, and Promotion**

### **Policy**

Events at which alcohol is served may be advertised on campus only when the service of alcohol is in full compliance with a valid liquor license or catering license and appropriate state regulations. Alcohol must not be the primary focus in any publicity. The sponsoring group is responsible for any advertising/publicity that is disseminated in conjunction with the event. The sponsoring group also bears the responsibility for the cleanup of any and all advertising related to the event. Alcohol must not be used as an inducement to participate in an activity.

Advertisements will avoid demeaning sexual or discriminatory portrayals of individuals or groups. Promotion of alcohol will not encourage misuse or place emphasis on quantity or frequency of use. Drinking will not be portrayed as contributing to the personal, academic or

social success of students or individuals. Alcohol advertising will subscribe to the philosophy of responsible or legal use. Alcohol will not be associated with the performance of tasks that require skilled reactions, such as the operation of a motor vehicle or machinery.

### **Promotion / Sponsorship**

Departments, programs or officially recognized organizations of Saint Michael's College will not enter into any promotional agreements or advertising agreements with alcoholic beverage distributors/companies or their agents. Student organizations, and programs affiliated with the College should ensure that any alcohol advertising and promotional activity accepted by their organization adhere to the guidelines outlined above.

### **Drug Policy**

Vermont State Law and Saint Michael's College prohibits the use, possession or transfer of controlled drugs, and subjects the offender to fine and/or imprisonment (18 VSA 4205; 18 VSA 4224). Transfer under this section is defined as including both sale and gift. Any violation of these laws will be considered serious and dealt with accordingly. Any person possessing or transferring illegal drugs shall be subject to disciplinary action. Sale and distribution may result in immediate dismissal.

The College also prohibits the possession, use or distribution of all types of paraphernalia. Possession of such paraphernalia will be considered sufficient evidence that a violation of the College drug policy has occurred.

Marijuana is classified as a Schedule I drug according to the Controlled Substances Act. Thus, the use, possession, cultivation, or sale of marijuana violates federal policy. Federal grants are subject to college compliance with the Drug Free Communities and Schools Act, and the Drug Free Workplace Act. Campuses found in noncompliance of these laws risk loss of federal funding for financial aid. Any violation of the federal law governing Marijuana is a violation of campus policy and will be dealt with accordingly.

### **Medical Marijuana Policy**

Saint Michael's College students and employees should understand that possessing, using or selling marijuana in any form is prohibited on campus and during college activities. Although students, staff, and faculty who legally obtain a medical marijuana "registration card" from the Vermont Dispensary are allowed to possess and consume certain quantities of marijuana, doing so is not permitted on the Saint Michael's College campus or at SMC sponsored events.

Marijuana is classified as a Schedule I drug according to the Controlled Substances Act. Thus, the use, possession, cultivation, or sale of marijuana violates federal policy. Federal grants are subject to college compliance with the Drug Free Communities and Schools Act, and the Drug Free Workplace Act. Campuses found in noncompliance of these laws risk loss of federal funding for financial aid.

If a student is registered as a medical marijuana user and intends to possess and use marijuana the student must confine that use to off campus locations. If that student is subject to the required residency policy, the student may present the student's VERMONT medical marijuana registration to the Office of Student Life and request a waiver of the residency requirement so that the student may reside off campus. The card must be a Vermont medical marijuana registration card. No other state cards are recognized.

## **FIRE AND LIFE SAFETY POLICIES**

The following policies and procedures are in place as part of a preventive program that is designed to promote safe living and working environments in the Saint Michaels' College residence halls and to eliminate the conditions that may pose dangerous to life and property as a result of fires, or unsafe conditions, occurring in or around the residence halls.

### **Fire, Health, and Safety Inspections**

The College reserves the right to inspect any residential space when it is deemed necessary. In addition, the professional staff members of Residence Life and Public Safety have the right to enter the premises at any time for any reasonable cause. The primary purpose of entering is to take those precautions that College officials find necessary to protect health and life safety of the occupants and/or of other persons therein, and to enforce College policy.

Each semester, the Department of Residence Life and the Department of Public Safety will conduct fire safety inspections, and health and safety inspections of residential buildings and rooms on campus. The inspections will occur at a reasonable hour during the day or evening.

The fire safety inspections will be conducted by Public Safety staff on an on-going basis and will occur at random throughout the semester. Students will be reminded at the beginning of each semester that the inspections will occur. If someone is found to be in violation of fire safety policies, and it is a non-life-threatening violation, they will have twenty-four (24) hours to correct the issue. Life threatening violations will require immediate correction and will be subject to a fine and/or disciplinary action. Any materials causing violation of the policy will be confiscated at the time of inspection. If violations are found during an inspection, students will be subject to fines and/or disciplinary action.

The health and safety inspections will occur twice a semester and will be conducted by the Residential Life staff. Notice will be given prior to the start of the health and safety inspection.

If blatant violations that could affect student safety are observed by other college staff members who are entering rooms as part of their job assignments (i.e., Facilities), they will be reported to the Residence Life office and/or the Public Safety office.

### **Fire Emergency / Drill Procedures**

When the fire alarm sounds, residents are required to evacuate the residence hall/apartment. Failure to evacuate in a timely fashion, or at all, will lead to a fine and/or disciplinary action.

If a fire alarm sounds, residents should check their doors by feeling for heat and/or if smoke is coming under the door, making sure it is safe to exit. If it is safe to exit, students must evacuate immediately, by way of the nearest exit. Residents should not use elevators during the alarm.

Residents must not prop doors and keep hallways and stairways clear. Once students have exited the building, they should stand at least 50 feet away from the building, and not be standing in or near fire lanes. Students are not allowed to re-enter the building until the Fire Department and/or Public Safety has allowed them to do so.

If personal safety permits, Public Safety staff and Residence Life staff will assist with evacuations; however, it is the responsibility of the individual to evacuate when the alarm sounds. Students must not wait for staff to tell them to evacuate.

Once a semester, the Department of Public Safety will conduct an unannounced fire drill in each of the residence halls and apartments on campus. The objective of the drill is to practice evacuating in a timely fashion and become familiar with the procedures. Students will need to evacuate the building and will be able to re-enter once the Public Safety staff allows it. Full cooperation of all residents is expected.

### **False Alarms**

Causing a false alarm is extremely dangerous. Multiple false alarms can lead to resident complacency. Causing a false alarm is a very serious offense and is subject to a fine of not less than \$500.00 and may be automatically referred to the Judicial Review Board by the Student Life Office for possible suspension or dismissal. Eviction from campus housing may be an automatic result for any resident who pulled a false alarm. Furthermore, a false alarm under some circumstances may be a criminal offense.

### **Fire Safety Equipment**

The use of fire alarms, fire protection equipment, or firefighting equipment for any purpose other than for what it is intended for, is prohibited. Impairment of any of the systems could cause loss of life, and severe damage to personal and College property.

Residents found tampering with, obstructing, covering, removing, disconnecting, falsely setting off and/or damaging fire safety systems and equipment will be subject to fines and/or disciplinary action. Residents will also be responsible for any cost associated with repairing or replacing damaged equipment. Fire safety systems and equipment includes fires alarms, alarm equipment, pull stations, smoke detectors, smoke detector batteries, carbon monoxide detectors, heat detectors, sprinklers, sprinkler pipes, standpipes, standpipe connections, fire extinguishers, fire hydrants, emergency exits, emergency exit signs, emergency exit lights, fire doors, emergency phones, and any other equipment or sign associated with the above list.

### **Exits and Egress**

All exits and egresses are to be kept free from obstructions at all times. These areas include hallways, stairways, landings, emergency exit doors, bedroom doors, hallway doors, windows, and fire escapes. Bicycles, other sporting equipment, and furniture are prohibited from being in any of the areas listed above. Fire escapes may only be accessed during fire drills or for a fire emergency.

## Prohibited Actions / Items

For the safety of all residents on campus, the following actions and items are prohibited and considered fire safety violations. Residents found to be in violation will be subject to fines of \$100-\$500 and/or disciplinary actions:

- Candles, of any kind / shape / size (including decorative candles)
- Devices designed to melt wax
- Incense
- Potpourri
- Burners
- Hookahs
- E-cigarettes and vapes of any kind
- Fireworks
- Items suspended from sprinkler head and pipes
- Temporary dividers or partitions
- Cinder blocks
- Unauthorized locks on any door
- Appliances that have exposed heating elements, such as toasters, hot plates, electric frying pans / grills (including “George Foreman” grills), toaster ovens and rice cookers are prohibited in Residence Halls. (Town House 100’s, 200’s, 300’s, 400’s, Cronogue Hall and Hodson are exempt and can have a toaster / toaster oven only in the Kitchen).
- Irons (unless equipped with automatic shut-offs)
- Coffee makers (unless equipped with automatic shut-offs)
- Sun lamps
- Fog machines, smoke machines
- Halogen lamps
- Portable heaters or space heaters (including kerosene)
- Dangerous or hazardous chemicals / materials
- Air conditioners
- Spider / Octopus style extension cords
- Electric water coolers
- Waterbeds
- Hair straighteners or curling irons (unless equipped with an automatic shutoff)
- Oversized refrigerators (larger than 4.0 cubic feet)
- Oversized microwaves (larger than 500 watts)
- Firearms/weapons

- Holiday lighting that is not UL approved
- Exterior holiday lights
- Larger carpets with foam or rubber backing
- Rooms that are overly congested with furniture or are extremely untidy
- Live Christmas trees or other live décor
- Outside décor attached to TH units
- Drapes or tapestries that interfere (or cover) with egresses, sprinkler head, or smoke detector
- Electric blankets
- Wall coverings (covering more than 50% of the wall)
- Coverings on doors
- HoverBoards / Battery powered skateboards
- Drones

### **Smoking**

Smoking is prohibited in any College space. Please see the Tobacco Free Policy.

### **Outdoor Cooking / Outdoor Fires**

Any type of outdoor fire or open flame is prohibited on campus. This includes campfires, bonfires, portable fire pits, and/or torches. Propane or charcoal grills are allowed on campus for cooking purposes and must be placed 20 feet from any building when in use. The grills must be attended to at all times while in use. Propane tanks or canisters are not to be stored inside any residential area.

### **Residential Maximum Capacity Limits**

Overcrowding in the residential areas is a concern for when evacuations are necessary, and people need to evacuate in a timely fashion. Dangerous situations can occur when people are unable to evacuate quickly and efficiently. The College has set maximum capacity limits for the different types of residential areas on campus. Failure to abide by the capacity numbers listed below will be considered a fire safety violation. Residents will be subject to fines and/or disciplinary action if their residential space is found to be over capacity.

Townhouses (100s, 200s, 300s, 400s)	Maximum of 45 people
Hodson, Ethan Allen Apts, RH4 (Cronogue)	Maximum of 30 people
Suites Common Areas (Canterbury, Cashman, Pontigny)	Maximum of 25 people

Quad Commons Common Areas	Maximum of 25 people
Triple Rooms	Maximum of 15 people
Double Rooms	Maximum of 12 people
Single Rooms	Maximum of 7 people

### **Judicial Process for Fire and/or Life Safety Violations**

First time offenses will result in a campus citation being issued immediately. The fines will be as follows (Categorized as listed in the previous pages):

- Fire Safety Equipment - \$100.00 - \$500.00 per person involved
- Prohibited Actions / Items - \$100.00 - \$500.00 for each action and/or item per person
- Smoking Violations - \$100.00 per person
- Residential maximum capacity limits - \$100.00 per resident of the townhouse / apartment / suite / room

Second time offenses will result in the same fines as stated above AND referral to the Office of Community Standards and Student Conduct. For all malicious and/or deliberate fire alarm activations, the offender(s) will be immediately referred to the Office of Community Standards and Student Conduct. If the violation or cause of the alarm is in a common space with no individual(s) taking ownership, then a fine will be issued to all residents of the townhouse/apartment/suite/room. Any student who is issued a campus citation by Public Safety will have 10 days to appeal for the citation and 15 days to pay the citation to Public Safety. A copy of the ticket will go to the Fire and Life Safety Officer and the student will enter the citation and handle any appeals or follow up that is needed. The Office of Community Standards and Student Conduct will be notified of any and all citations via Maxient; however, the Officer of Community Standards and Student Conduct will not need to take action until the second offense.

## **GAMBLING POLICY**

Students are expected to abide by all federal and state law prohibiting illegal gambling. Students who are experiencing serious difficulties with gambling are urged to call the Persona Counseling Office at (802) 654-2547 or Gamblers Anonymous Nationwide at 1-888-GA-HELPS.

## **HAZING POLICY**

The College defines hazing as any action or activity committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization, group or team affiliated with the College, and which intentionally or recklessly endangers the physical or mental health of a person, which violates the dignity of another person, or which humiliates, intimidates, demeans, degrades, abuses, or endangers them. Purported consent is not a defense to disciplinary action under this policy, given the socially coercive nature of hazing activities.

Hazing also includes soliciting, directing, aiding or otherwise participating actively or passively in the sorts of acts described in this policy. Hazing either on or off the College's campus is prohibited equally. Initiation activities and initiation parties fall into this category.

Hazing activities may include, but are by no means limited to the following: use of alcohol and other drugs; paddling in any form; branding or shaving of heads; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips, or any other such activities carried on or off-campus; wearing of apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with state and local law (including legal drinking age), or the regulations and policies of the educational institution. The College will treat the action of even one member of a group constituting hazing by the entire group. Saint Michael's College has a zero tolerance for hazing and the consequences can be severe. Participation in hazing activities may lead to individual disciplinary actions (which can include but are not limited to suspension or expulsion), team disciplinary actions, and/or sanctions that may include but are not limited to termination, revocation or suspension of a team's or organization's operations or permission to exist within the College's purview.

Sanctions will apply to those initiating the hazing and may apply to those receiving the hazing as well. The College may suspend the activities of student organization, athletic team, or individual members thereof, pending the outcome of an investigation.

Many hazing activities would violate Vermont law. The College will report allegations of hazing to law enforcement authorities when, in the judgment of the College, the nature of the allegations suggests that the hazing activity, if it occurred or is occurring, presents a risk of serious harm to students or other persons, or involves a potentially serious violation

of law. All members of the College community are encouraged to report any actions or activities that could potentially involve hazing as defined in this policy to the Dean of Students or designee, to the Athletics Director or designee, or to other College officials.

## **COLLEGE COMMUNICATIONS POLICY**

Saint Michael's College has two means of official communication with students:

- Electronic (MikeNet email)

Saint Michael's College provides each student with an email account on the College network. Students using another account bear the responsibility of checking their college account on a regular basis.

- On college letterhead and distributed to campus PO Box and/or permanent address.

Saint Michael's College provides each student with a post office box. Students residing off-campus should make sure the College has their current mailing address.

Any one or both methods may be used at any time to communicate official College business and time-sensitive information. Official communications might include, but are not limited to, faculty/student communication, administration/student communication, course registration information, storm-related delays or closings or other emergency announcements. Students will be expected to check both means of communication on a regular basis and will be responsible for their timely response to the information provided.

## **DEMONSTRATIONS**

### **Philosophy**

Central to the functioning of an academic community is the free and full exchange of ideas. Although differing points of view are best reconciled by honest and open discussion, the College Community recognizes that orderly demonstrations can communicate ideas and are a valid means of speech and assembly.

### **Definition**

Disorderly demonstrations are those, in the judgment of the Dean of Students or the student's designee that would: Threaten to endanger the safety of any members of the College Community, or pose a threat to the physical facilities, or significantly obstruct or disrupt the normal functions of the College, or attempt to deny others the ability to engage in free of speech or assembly.

### **Policy**

For reasons of good order and safety, the Dean of Students must be notified prior to a planned demonstration. The Dean of Students or the student's designee may impose reasonable restriction on the time, place, and manner of demonstrations in the student's reasonable discretion.

Participants in a disorderly demonstration shall be accountable for their actions and may be subject to judicial action where injury or damage occurs, or the rights of others are violated. Negotiations will not take place while any member of the College Community is under duress because of a demonstration.

## **ELECTRONIC INFORMATION SYSTEMS POLICY**

This document identifies the rights and responsibilities of those who use the electronic information resources at Saint Michael's College. This includes the academic and administrative computer systems, the networks, the on-campus information resources, and the Internet resources reached through Saint Michael's College systems.

### **Introduction**

The computing systems at Saint Michael's College are provided for the purposes of instruction, research, personal development, and administration. This policy informs users of the rights they may expect and their responsibilities. This policy applies to all users of SMC computing resources, including those who access these resources from off campus.

### **Rights**

The College will provide an environment in which there is respect for freedom of inquiry and expression; opposition to censorship; privacy and confidentiality; freedom from sexual and other unlawful harassment and related retaliation; and protection of intellectual property. In particular, the same standards and principles of intellectual and academic freedom already supported by the College in other areas extend to material received through the network. This extends also to publication: the same standards of intellectual and academic freedom developed for faculty and student publication in traditional media are applicable to publication in computer media. In addition, respect for law, for due process, and the presumption of innocence are crucial elements of this environment.

### **Responsibilities**

Users are expected to abide by the policies of the College, whose existence makes the use of these resources available. Every user is also expected to be considerate of the rights of other users. Examples of infringements of these principles may include, but are not limited to the following:

- Using the Saint Michael's College system for illegal or criminal purposes. Unauthorized use of resources for commercial enterprises.
- Substantially and willfully interfering with another person's authorized use.
- Obstructing other people's work by consuming gratuitously large amounts of system resources (e.g., network bandwidth or printers). This includes but is not limited to game playing or monopolizing information resources for entertainment or personal use.
- Allow unauthorized access to accounts and passwords. Violate license agreements.

## **Illegal File Sharing Issues**

Students must recognize that the illegal distribution of copyrights materials (including unauthorized peer-to-peer file sharing) may subject them to criminal and civil penalties. The College will take steps to detect and identify such distribution and will cooperate fully with law enforcement agencies and copyright owners. In addition, internal disciplinary action, including but not limited to termination of network access, may be taken.

A list of legal alternatives for downloading music and other copyrighted material is available on the College's Website. The following is a summary of civil and criminal penalties for violation of federal copyright laws:

*Copyrighted infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.*

*Penalties for copyright infringement include civil and criminal penalties.*

*In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For detail, see Title 17, United States Code, Section 504, 505.*

*Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.*

*For more information, please see the Website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's, at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).*

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974**

The Family Educational Rights and Privacy Act of 1974 pertains to student educational records maintained by Saint Michael's College. The Act provides that students can have access to their educational records, and limits the disclosure of student educational records, unless the student consents to disclosure or an exception applies. The following guidelines are presented to assist all members of the Saint Michael's community in understanding the provisions of the act as they apply to Saint Michael's College.

### **College Policy on Student Access to Educational Records**

All current and former students can have access to their educational records upon written request to the applicable office. Each office will comply with all requests within a reasonable length of time, but not later than forty-five days from the date of receipt of the written request. Educational records include academic records, disciplinary records, confidential letters and statements.

Records not covered by the act include, for example, any record received prior to January 1, 1975, financial records of parents, private notes of faculty and administrative officers, law enforcement records/campus public safety records, and medical or psychiatric records. A physician or psychiatrist may review medical or psychiatric records if requested by a student.

Students may waive, in writing, access to recommendations and evaluations. A waiver must be filed with each individual office. The act does not provide for blanket waivers of access to all educational records.

A student who requests access to an educational record is expected to present valid identification.

Students may request unofficial copies of any educational record and also request that official copies be sent directly to other institutions. A fee is incurred; please contact the **Registrar's Office** for that amount.

### **FERPA Provisions Regarding Release of Records**

FERPA provides that student educational records should not be released absent student consent, unless an exception applies. For example, records may be shared, without student consent, with: Faculty, staff, administrator, other professional or service provider employed by or contracted with the College having legitimate educational interests in the record. Authorized federal and state officials in the process of administering educational programs. Requirements of administration of the Financial Aid Program. Accrediting organizations in carrying out their accrediting function. Parents provide documentation that the student is a dependent. Directory Information (see below). Organizations conducting studies on educational programs provided that the identity of the student is not revealed. In an emergency situation involving the health or safety of the student or other persons.

The College will advise all recipients of student records that only authorized persons may see the records. Each College office will keep a record of all individuals requesting or receiving student records except as noted in item number one above.

Students who wish to give a blanket authorization for the College to share information from the educational record with parents, legal guardians or other designated persons may file a form with the Registrar's Office.

## **Directory Information**

The College will, in the course of the school year, release to the public certain information regarded as directory data. If a student does not want this information publicized, the student must request in writing on an annual basis that such information not be published. Saint Michael's College considers the following to be "Directory Information":

## **Hearings**

A student may challenge any educational record that the student feels to be inaccurate, misleading, or a violation of privacy. This policy does not apply to academic grades received for course work except when there is reason to believe that an error was made in recording grades to the transcript.

When a student desires to challenge a record, every effort should be made to resolve the question with the office involved. If this is not possible, the student must submit in writing to the coordinator of the Family Educational Rights and Privacy Act of 1974 a statement outlining the alleged inaccurate, misleading or inappropriate date or statement contained in the record. The coordinator will appoint an impartial college official who will conduct a hearing within forty-five days of receipt of the written request. The results of the hearing will be transmitted in writing to the student and all other parties involved. The student may appeal the decision to the president of Saint Michael's College. The President's decision will be final.

The above policy statement is subject to amendment from time to time, subject to approval by the Board of Trustees.

Family Educational Rights and Privacy Act  
Coordinator Registrar, Founders 112, 802-654-2571

## **GENDER-FAIR LANGUAGE GUIDELINES**

The mission statement of Saint Michael's College demands that we "respect the dignity of each human person." The College's non-discrimination clause furthermore mandates fair treatment regardless of gender. In light of these objectives, faculty, staff, administrators, students, trustees, and friends of Saint Michael's are encouraged to communicate in a gender-fair manner.

Since the admission of women to Saint Michael's in 1970, the proportion of women in college has grown at a steady rate. Over half of our community is now composed of women. Gender-fair communication expresses the experiences of these women in language which does not exclude them (e.g., "mankind," "manpower"). At the same time, gender-fair language seeks to avoid stereotyping members of either gender (e.g., through the use of generic male terms such as "policemen," "chairmen"). Such language implies that we must respect each other as individuals and not make assumptions based on gender.

Aside from the moral imperative to treat others as individuals, equally and with dignity, there is a practical side as well. Communication is less effective if it is imprecise or inaccurate (e.g., “Man, like other mammals, breastfeeds his young”), or distracting and offensive (e.g., “An editor should present his changes in the form of suggestions”). Moreover, gender-fair language is used and supported by most major textbook publishers, The American Psychological Association, the Associated Press, the New York Times, the Wall Street Journal, and many academic journals. It is increasingly supported in the legal and business communities. Those who work within these contexts need to be able to express themselves according to current guidelines and expectations.

Instances of gender-bias language, while common, are often subtle and unconsciously expressed. However, they can be eradicated or minimized through awareness and conscientious effort. As an educational institution, Saint Michael’s College has an especially important role to play in discussing this issue, and supporting ongoing efforts to act, speak, and write in non-discriminatory, inclusive ways. Saint Michael’s recommends Guidelines for Bias-Free Writing (Indiana University Press, 1995), a publication of the Association of American University Presses, as a reference work to help writers and speakers recognize and use gender-fair language.

## **PHOTO RELEASE POLICY**

Unless a written statement to the contrary is filed with the Office of Marketing, all students, faculty and staff give permission and authorization to Saint Michael’s College to use any still photograph of themselves that is taken or is authorized by a Saint Michael’s College staff member for instructional or promotional purposes. By granting permission, individuals release the College from any and all claims or damages for libel, slander, or invasion of privacy.

## **SOLICITATION POLICY**

For purposes of this policy, **commercial solicitation** shall be defined as activity which promotes or tends to promote the sale of goods or services, including events, and/or the exchange of money. Commercial solicitation materials shall include posters, flyers, banners, signs, notices, leaflets and similar material used in connection with commercial solicitation.

For purposes of this policy, **non-commercial solicitation** shall be solicitation, which does not meet the definition of commercial solicitation. It may involve the promotion of ideas or the encouragement of activity. Examples of non-commercial solicitation include voter registration or health promotion. Non-commercial solicitation materials shall include posters, flyers, banners, signs, notices, leaflets and similar materials used in connection with non-commercial solicitation.

All commercial solicitation on campus must be approved by the Office of Student Activities and must be sponsored by a student organization, a group affiliated with the College or an administrative office. All non-commercial solicitation on campus must be approved by the Office of Student Activities.

Exceptions to this are solicitations at athletic events or in-residence halls. Solicitations at athletic events must be approved by the Director of Athletics. Within residence halls all solicitation is prohibited unless specifically approved by the Director of Residence Life. This is to insure and maintain the safety, Public Safety and expected privacy of the living areas and an environment conducive to academic pursuits.

Solicitation of external sources for funds or advertising is not permitted without the approval of the Vice-President for Institutional Advancement or the student's designee.

The College reserves the right to withhold approval to solicit or vend from any organization. The following applies to both commercial and non-commercial solicitation as indicated:

### **General**

Commercial solicitation is prohibited in the residence halls. The distribution on campus of any commercial/non-commercial solicitation materials must be approved by the Director of Student Activities prior to distribution. The placement of commercial and non-commercial solicitation materials inside campus buildings is restricted to designated bulletin boards. Commercial and non-commercial solicitation materials shall not be affixed to any building, statue, walkway, plant, tree or vehicle. Commercial and non-commercial solicitation materials which consists of sheet signs, banners or other such notices may be hung outside buildings or across pedestrian walkways or roadways only with prior permission of the Office of Student Activities, Residence Life and where appropriate, the Director of Physical Plant who shall ensure that safety hazards are not created. All commercial and non-commercial solicitation and all commercial and non-commercial solicitation materials shall avoid demeaning sexual expression in innuendo and discriminatory portrayals of individuals or groups.

### **Alcohol Advertising**

Events at which alcohol is served may be advertised on campus only when the service of alcohol is in full compliance with a valid liquor license or catering license and appropriate state regulations. Alcohol shall not be the primary focus of any solicitation or solicitation material. For more specific information on alcohol beverage advertising and solicitation, please refer to Alcohol and Other Drug Policy in this book. The sponsoring group is responsible for any solicitation material that is disseminated in conjunction with any event. The sponsoring group also bears the responsibility for the cleanup of any and all solicitation material relevant to the event.

## **STUDENT ORGANIZATIONS AND CO-CURRICULAR ACTIVITIES**

Saint Michael's College aims to contribute to the intellectual and personal growth of its students through classroom experiences and co-curricular activities.

The College takes note of the individual needs and talents of its students and recognizes the concept of a student's development as an integral part of the college experience.

By its recognition and support of a wide variety of clubs and organizations, Saint Michael's College reinforces its commitment to stimulate the intellectual and personal growth of its students. In addition, the leadership opportunities available in Student Activities assist in preparing students to meet the needs of a changing world.

### **Club Recognition Guidelines**

#### **Recognition**

The Student Association shall have the authority to recognize and regulate all student organizations. The financial accounts, activities, and statues of all student organizations are subject to the supervision of the Student Association

The College reserves the right to review the recognition of clubs and organizations to insure compatibility with the Mission of the institution.

#### **Advisors**

Each student organization is to have one or more advisors chosen from the faculty or full-time staff by vote of the organization. It is the responsibility of the club president to maintain regular contact with the advisor concerning all of the activities of the organization.

#### **Use of College Facilities**

For use of rooms and facilities on campus, all recognized student organizations and groups must make reservations in advance with the Office of Conferences and Special Events.

#### **Contracts**

All contracts involving student organizations and activities may be initiated by club and organization officers. However, all contracts must be submitted for approval by the Secretary of Finance for the Student Association, the Office of Student Activities and the Vice-President for Finance.

#### **Club Recognition Process**

For official recognition, a student club or organization must fulfill the following requirements: It must meet a need not currently being met by other clubs, organizations, or departments on campus. It must demonstrate that it contributes to the overall educational

mission of Saint Michael's College. It must demonstrate that its activities will contribute to the advancement of the social, cultural, intellectual, or spiritual development of its individual members and the college community. It must provide the following information to the General Assembly: A statement of goals (mission statement) including a list of standing officers, and an inventory of all equipment, and a journal of financial holdings. A constitution in keeping with the guidelines set forth by the Student Association. At least one faculty/staff advisor chosen by the majority of the members of the organization. The views of a recognized club may or may not be those held by Saint Michael's College or the Student Association.

### **Club Privileges**

Use of College facilities in accordance with applicable policies for meetings and activities. Solicitation of membership on campus under the organization's name. Listing of the organization in any official publications of the College. Use of campus bulletin boards and other designated posting areas. Access to campus services, resources and equipment and the expertise of a faculty/staff advisor. Ability to seek funding under guidelines established by the Student Association.

### **Club Responsibilities**

Any club seeking recognition shall follow provisions granted by the Student Association Constitution and by-laws available in the Student Association Office in the Student Activities Center. It is the responsibility of all clubs and organizations to adhere to the rules and regulations outlined in the Student Code of Conduct. Each club must have on file with the Student Association, a constitution, a mission statement, and the name of the club's leadership, including advisor.

The College has a right to expect that freedom of expression will be exercised in a peaceful, non-disruptive manner and with appropriate consideration and respect for opposing points of view. Student organizations at the time of their recognition should agree to the policies and procedures appropriate to their activities and conduct both on and off campus.

The name Saint Michael's College or any name implying affiliation with Saint Michael's College, may only be used if such organization is officially recognized and approved as in good standing with the Student Association.

## **WITHDRAWAL POLICY**

A student who at any time within the school year wishes to withdraw from the College MUST procure a withdrawal form from the Associate Dean of the College in Founders Hall and the Financial Aid Office, obtain the required signatures and RETURN the withdrawal notice to the Student Information Center/Registrar's Office. Failure to comply with this procedure will result in the student's remaining on the official registrar until the end of the semester.

Failure to withdraw properly may affect any financial adjustment which might otherwise have been due.

Forms for entrance to, or withdraw from, classes may be secured from the Student Information Office/Registrar's Office. After proper signatures have been obtained, the form must be returned to the Student Information Center/Registrar's Office before action may be considered official.

Failure to execute a proper entry to or withdrawal from a class will result in the same penalty as described above for total withdrawal.

### **Withdrawal Pending Discipline**

A student will not be permitted to graduate or receive academic credit for a program in which they are enrolled while a disciplinary matter is pending; the student's graduation will be held in abeyance until the matter is resolved. If a student withdraws with a disciplinary matter pending, the withdrawal will be considered a resignation from Saint Michael's College. Notation will be made in the student's permanent file that the student has withdrawn with a disciplinary matter pending, with a disciplinary sanction pending, or with an appeal of a disciplinary outcome pending, as appropriate. Should the student be readmitted to Saint Michael's College, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return.

## **PARENTAL NOTIFICATION**

The College reserves the right to notify parents or guardians, regardless of the student's age, status, or conduct, in health or safety emergencies, hospitalizations, or when in our judgment, the health or well-being of the student or others may be at risk.

## **MEDICAL WITHDRAWAL**

**Responsible Official:** Vice President for Student Affairs or designee after consultation with Director of Counseling, Bergeron Wellness Center

### **Policy Statement**

Saint Michael's College is strongly committed to supporting students achieving success in their intellectual and extracurricular endeavors. When illness or significant personal hardship intrudes

upon a student's ability to successfully meet the requirements of his or her course of study, it is the college policy to assist with the student's withdrawal from the college for the purpose of focusing on those matters requiring attention. Prior to re-matriculation, it is the college's intent to provide students with information about resources which may be of use to them as they resume their studies and to provide support where possible in order to optimize the likelihood of a successful return to campus life.

It is the college's goal that all students are able to participate fully in the academic community. In usual circumstances, however, when a student's illness causes him or her to pose a threat to self or others or creates a significant disruption to the activities of the campus community, the student may be required to withdraw from the college.

### **Reason for the Policy**

It is the goal of the college to foster an environment in which each student is able to fully pursue their academic goals. When illness prevents a student from achieving these goals, it is the intent of the college to provide a mechanism whereby the student may withdraw from their studies and return to them when able. In unusual circumstances, illness may cause a student to pose a threat to others that significantly disrupts the life of the community. In such circumstances, the college may find it necessary to involuntarily withdraw a student from the college.

### **Strategic Direction**

This policy supports the following goal in the college's Strategic Plan:

- Student Experiences: Provide a distinctive college experience that prepares students for success as accountable leaders in the 21<sup>st</sup> century.

### **Applicability of the Policy**

This policy applies to all undergraduate and graduate students at Saint Michael's College and is in force for the entirety of each academic calendar, including summer.

### **Procedures**

#### **Medical Withdrawal**

1. Students who seek to withdraw from the college because of illness must meet with or submit a written request to the Director of Counseling at the Bergeron Wellness Center (Kathleen Butts). If the director is unavailable, the student may meet with the Vice President for Student Affairs (Dawn Ellinwood). As necessary, the Director of Counseling or the VP will confer with appropriate campus medical or psychological professionals in order to make the final determination regarding the student's request. In unusual or complicated situations, the VP or designee may convene a committee composed of representatives from the Bergeron Wellness Center.
2. Students who are granted a withdrawal because of illness will receive a 'W' for all courses attempted during that term.

3. Students granted a medical withdrawal will have a hold placed upon their registration by the VP's office pending successful petition for re-enrollment to the college.
4. Graduate and undergraduate students granted a medical withdrawal should address the impact of withdrawal on the continuation of scholarship, research, graduate assistantship or other forms of educational support with the appropriate program administrator in their academic department, the Dean of the School or College, and for graduate students, the Dean of the Graduate College. Any adjustment to the student's tuition will be made in accordance with standing college policy.

Students who wish to appeal the outcome of their request for medical withdrawal may do so by submitting their appeal in writing to the Director of Counseling, Bergeron Wellness Center, Kathleen Butts ([kbutts@smcvt.edu](mailto:kbutts@smcvt.edu)).

It is the intention of the college to support students in a successful return to the college community when illness has necessitated withdrawal. To this end:

1. Students will be informed that the college expects the leave to be of sufficient duration to allow the student to address the issues involved in their medical leave. It is common for students who withdraw because of serious physical or mental illness to take a minimum of one full semester away from the college in order to enhance the likelihood of success upon return.
2. Students wishing to return to their studies following medical leave must complete the following steps:
  - a. Notify the Director of Counseling at the Bergeron Wellness Center (Kathleen Butts) of their desire to return to the college.
  - b. Submit documentation from their treating clinician to the Medical Leave Committee (in the care of Kathleen Butts, Box 259, One Winooski Park, Colchester, VT 05439 or to [kbutts@smcvt.edu](mailto:kbutts@smcvt.edu)) attesting to the student's ability to resume studies with a reasonable likelihood of success. This information must be specific in its description of the student's illness and the treatment rendered. It must outline, as appropriate, a plan of treatment to be followed upon return. All documentation will be held in strict confidence by the college; it will be maintained in the student's health record. Upon request, the student will authorize the Medical Leave Committee to secure any additional information necessary to assess the student's readiness for readmission.
  - c. Submit documentation by the following dates: July 1<sup>st</sup> for the fall semester, December 1<sup>st</sup> for the spring semester, and April 1<sup>st</sup> for the summer term.

3. The Medical Leave Committee will consult with appropriate resources in considering the student's request.
4. When the Medical Leave Committee has concerns about the likelihood of the student's success, the committee's designee will communicate this to the student and, with the student's permission, to the treating clinician.
5. Students are expected to meet with Kathleen Butts, Director of Counseling at the Bergeron Wellness Center within two weeks of the first day of classes for the purpose of assessing their experience thus far and reviewing support resources available for them. An appointment can be made by calling 802.654.2234. A plan shall be outlined by the student and the Director of Counseling to determine the plan of care and resources for the student.

### **Involuntary Withdrawal**

1. The College may require a student to involuntarily withdraw from classes or require conditions for continued attendance when, as a result of a medical or psychological condition, one of the following transpires:
  - a. The student threatens the safety of others.
  - b. The student causes or threatens to cause significant property damage.
  - c. The student significantly disrupts the activities of the college.
  - d. The student demonstrates evidence of significant impairment and is unable to make an independent determination that voluntary leave is needed.
2. When a student exhibits any of the behaviors described above, he or she may be brought to the attention of the Vice President of Student Affairs. The VP or designee, in consultation with appropriate medical, psychological, or academic resources, may involuntarily withdraw a student from his or her classes or place conditions on the student's continued education.
3. Under certain circumstances involving the safety of the college community, the Office of the Vice President may mandate that the student undergo a psychological or medical assessment to assist in evaluating the student's ability to participate successfully in college life.
4. The results of the requested inquiry will be shared in written form with the student.

If a student is involuntarily withdrawn from classes, the VP of Student Affairs, in consultation with appropriate campus resources and the committee, will determine the length of separation from the college and describe the conditions under which the student may seek to return. A hold will be placed on the student's registration until the student has been granted readmission.

5. A student may appeal the results of the college's decision to involuntarily withdraw him or her from classes to the Vice President of Student Affairs and the Director of Counseling

at the Bergeron Wellness Center. These individuals will review all available information and render a final decision. This result will be shared with the student.

6. Students involuntarily withdrawn from classes will receive a “W” for all courses attempted during that semester.
7. Students seeking readmission to the college following involuntary withdrawal must follow the same procedure outlined for students returning following voluntary withdrawal.
8. All records concerning involuntary withdrawal will be kept separately from the student's academic record in accordance with the college's policy on the confidentiality of student records.

### **Concerns Regarding Discrimination**

Any student who believes they have been discriminated against under the policy because of their medical condition should discuss their concerns with the representative for Affirmative Action and Equal Opportunity and may file a complaint with that office. You can reach out to either of the Human Resources Directors: Howie LeBlanco at (802) 654-2729 or Kendra Smith at (802) 654-2587.

### **Contacts**

Questions related to the daily operational interpretation should be directed to:

Vice President for Student Affairs

Dawn Ellinwood

(802) 654-2566

[dellinwood@smcvt.edu](mailto:dellinwood@smcvt.edu)

-Or-

Director of Counseling, Bergeron Wellness Center

Kathleen Butts

(802) 654-2310

[kbutts@smcvt.edu](mailto:kbutts@smcvt.edu)

### **Related Documents / Policies**

- Medical Withdrawal Request Form
- Medical Withdrawal Re-Entry Student Self-Report Form
- Mental Health Community Provider Report
- Medical Community Provider Report

## EMERGENCY PLANNING

Saint Michael's College has an emergency response plan in place to guide staff in dealing with various emergencies that might affect the campus. The college has a fully operational fire department and rescue squad on campus and is in a unique position to manage many of its own emergencies utilizing its own resources.

Emergency communication is a pivotal element of a functional response plan. Among the communications media to be utilized during an emergency is a text messaging system. All members of the campus community are urged to register with the system so that updates and information can be delivered to their mobile devices during critical emergencies. The service provided at no cost and registration is simple by logging on to [www.getrave.com](http://www.getrave.com).

Additionally, the college has a Hostile Intruder Community Guideline in place. This guideline and other pertinent emergency information can be found on the Public Safety offices webpage. [www.smcvt.edu/publicsafety](http://www.smcvt.edu/publicsafety).

### Emergency Calls

For all emergency calls, tell the Dispatcher the name, location and type of emergency. Stay on the line until all pertinent information is clearly understood. The Dispatcher has direct radio contact with Public Safety, Fire and Rescue agencies, and can provide immediate response to any emergency.

- **On Campus:** Call Telephone & Dispatch Services by dialing 911 from any campus phone or pick up any emergency phone, no dialing necessary.
- **Off Campus:** Fire and Rescue: (802) 655-3212 or (802) 654-2911 (**both are Emergency Only**)
- **Public Safety:** Public Safety is available 24 hours per day. Dial (802) 654-2374 during regular business hours, Monday through Friday, 7:30 am – 4:00 pm or the Dispatcher by dialing “654-2000” Public Safety and the Dispatcher are in constant radio contact with each other.

## CARE TEAM

Saint Michael's College has a committee of staff who meet weekly to discuss the best way to support students. The goal of our “CARE Team” is to support all of our students to be successful in their endeavors here at Saint Michael's, and in particular, supporting “Students of Concern.”

### What is a Student of Concern?

A student of concern is any student who is displaying behaviors that may hinder a student's ability to be successful at Saint Michael's.

Sometimes small changes in personality or actions are the first indicator that a student may need more assistance. Other times, behaviors are being noticed by many members of our community and create a significant amount of concern. While Saint Michael's does its best to give individual time and attention to every student, there are some behaviors that may go unnoticed until a caring person tells us about them.

We invite you to share your concerns so that our CARE Team can reach out and provide support to students who may need more assistance. Faculty and staff can play an invaluable role in helping students who may need support. Your expression of interest, concern, and compassion may be the connection a student needs to get the assistance they need. It is important to note that the College does not expect you to assume the role of counselor, therapist, or police officer. For those responsibilities, Saint Michael's has trained professionals who are ready to assist you with students who are of concern to you.

The CARE Team meets weekly to discuss the best way to support those students that are of concern. All meetings are confidential with the main goal of success for each student. Additionally, while confidential resources are a part of these discussions, at no time is confidential information shared with this group or people making reports.

If you have a concern about a student, please feel free to contact anyone listed here or call Student Life directly at (802) 654-2566:

Catherine Welch, Title IX (Chair of CARE Team)	Brian Lee, Student Life
Katie Barry, Purposeful Learning	Tim Mackin, Academics
Ryan Braeger, Academics	Maria Del Sol Nava, Purposeful Learning
Kathy Butts, Personal Counseling	Megan Ohler, Student Life
Sarah Childs, DEC	Marnie Owen Registrar's Office
Greg Davis, Student Financial Services	Kaitlyn Root, Resident Director
Lou DiMasi, Purposeful Learning	Kevin Sedlak, Academic Support
Dawn Ellinwood, Vice President of Student Affairs & Dean of Students	Heidi St. Peter, Purposeful Learning
Jeff Fontaine, Public Safety	Jeff Vincent, Residence Life
Choeden Lama, DEC	Vernita Weller, Purposeful Learning
Kerri Leach, Student Activities	Mary Wright, Academic Support
Anna Leavey, Health Services	Rosemary Yargici, International Student Services

Additionally, if you want to report an anonymous concern about a student, please contact Public Safety's Anonymous Tip Line at:

<https://www.smcvt.edu/student-life/health-and-safety/public-safety/helpful-forms/silent-witness/>

## **THREAT ASSESSMENT**

Violence Prevention Begins with You.

Violence is a part of our society. There's just no way of getting around it. Mention the names of Columbine, Virginia Tech, or Sandy Hook to most people and they know exactly what you are talking about. Could events like those happen here in Vermont? Unfortunately, the answer is "yes." That's the harsh and simple truth of it, but working together we can head off acts of violence before anyone gets hurt. If you observe worrisome behavior or suspect that a potentially dangerous situation is developing, speak up. If you are wrong, no harm is done. But if you are right, you could avert a tragedy. Violence prevention depends on all of us.

At Saint Michael's College, we have a Threat Assessment Team – a group of trained professionals who are able to receive, analyze, and respond sensitively to reports of potential violence.

### **Threat Assessment Team**

The Threat Assessment Team is appointed by the Vice President for Student Affairs of Saint Michael's College and is responsible in part for: receiving reports and gathering and analyzing information regarding acts of violence, behavior of concern or statements and/or potential threats posed by individual(s); developing, implementing and monitoring intervention strategies and management plans, which are designed to respond appropriately to statements, behavior and/or circumstances that generate concern that an individual may pose a risk of harm to a member of the College community, including, but not limited to, incidents of violence, threatening behavior or statements, unwanted pursuit, stalking, and harassment; and coordinating with appropriate authorities, including law enforcement, medical personnel, and other outside agencies, as appropriate.

Individuals may make a report to any member of the Threat Assessment Team:

Jeff Favreau  
Director of Public Safety  
(802) 654-2559  
[jfavreau@smcvt.edu](mailto:jfavreau@smcvt.edu)

Jeff Fontaine  
Investigator / Liaison Officer, Public Safety  
(802) 654-2864  
[jfontaine@smcvt.edu](mailto:jfontaine@smcvt.edu)

Academic Support, Director  
(802) 654-2818  
[amessuri@smcvt.edu](mailto:amessuri@smcvt.edu)

Anna Leavy  
Health Center, Director  
(802) 654-2234  
[aleavy@smcvt.edu](mailto:aleavy@smcvt.edu)

Kathy Butts  
Personal Counseling, Director  
(802) 654-2546  
[kbutts@smcvt.edu](mailto:kbutts@smcvt.edu)

Jeff Vincent  
Director of Residential Life and Community Standards

Associate Dean of Students  
(802) 654-2754  
[jvincent@smcvt.edu](mailto:jvincent@smcvt.edu)

Chief of Staff  
(802) 654-2905  
[lwaldo@smcvt.edu](mailto:lwaldo@smcvt.edu)

Megan Ohler  
Senior Associate Dean of Students  
(802) 654-2248  
[mohler@smcvt.edu](mailto:mohler@smcvt.edu)

Dawn Ellinwood  
Vice President of Student Affairs  
(802) 654-2566  
[dellinwood@smcvt.edu](mailto:dellinwood@smcvt.edu)

The Vice President for Student Affairs/Dean of Students serves as the chair of the Threat Assessment and Management Team and, in consultation with other College officials as appropriate, will assess the reported information and determine whether to convene the Team.

### **Threat Assessment and Response Policy**

Saint Michael's College is committed to maintaining a campus and workplace environment that is safe and secure for all students, staff, faculty, and visitors. As part of this commitment, Saint Michael's has established a Threat Assessment Team, which is empowered to assess risk and, in cooperation with other College teams or offices as appropriate, formulate an appropriate response in situations where an individual's behavior and/or statements generate concern that he or she may present a threat to the health or safety of others. The Team seeks to mitigate potential risks before they result in harm. Nothing in this policy shall be construed to amend Saint Michael's Student Code of Conduct and Policies or other applicable Saint Michael's policies.

### **Threat Assessment Team**

The Vice President for Student Affairs/Dean of Students appoints the members of the Team and names its chair and appoints new or different team members as necessary. The Team will usually consist of representatives from the Department of Public Safety, Academic Affairs, Student Affairs, Human Resources, Health Services and Personal Counseling. The College's legal counsel serves as an advisor to the Team. Members of the Team are identified in Section IV, below, and in other College publications, as appropriate. Other College personnel and outside resources with relevant areas of specialization and responsibility may be called upon to assist the Team, including but not limited to Residence Life staff, supervisors, law enforcement agencies,

medical personnel, or other outside experts. The Office of the President will be kept apprised of the team's work as appropriate.

## **Purpose**

As appropriate to the circumstances of a particular situation, the Threat Assessment Team may engage in activities that may include, but are not limited to, the following: receiving reports and gathering and analyzing information regarding acts of violence, behavior concern or statement and/or potential threats posed by individual(s); developing, implementing, and monitoring intervention strategies and management plans, with or without the involvement of other College teams or offices as appropriate, that are designed to respond appropriately to statements, behavior and/or circumstances that generate concern that an individual may pose a risk of harm to a member of the College community, including but not limited to, incidents of violence, threatening behavior or statements, unwanted pursuit, stalking, and harassment, coordinating with appropriate authorities, including law enforcement, medical personnel, and other outside agencies, as appropriate; implementing reporting protocols and developing strategies to encourage reports from the College community; assisting in conducting periodic campus-wide awareness education for students, staff, and faculty regarding threat assessment, threat management, pertinent information, sharing issues, and the Team's responsibilities. Such training and education will be coordinated with other departments such as the Department of Public Safety, Human Resources, Academic Affairs, and the Dean of the College; and keeping apprised of best practices and participating in periodic training in threat assessment and management.

## **Reporting Potential Threats**

All students, faculty and staff should be committed to ensuring the safety and security of the campus and workplace environment. As such, anyone who believes that an individual has committed or may commit an act of violence, is engaging in behavior or making statements that generate concern about the potential for violence, or otherwise may pose a threat to the health or safety of any member of the College community should **call the Department of Public Safety immediately at 802.654.2000. In case of emergency, please dial 911.**

Individuals may also make a report to any member of the Team. The Team membership is listed in the previous section.

The Vice President for Student Affairs/Dean of Students (or designee) will serve as the chair of the Team and, in consultation with other College officials that are appropriate, will assess the reported information and determine whether to convene the Team.

In cases where an appropriate level of assessment indicates that a report involves a person who poses a threat to self only, the matter will be referred to the appropriate College official. In cases where available information suggests that the person may pose a threat to self and others, the Team will remain involved and will involve the other officials listed here as appropriate. In cases where a referral is made, the Team may be re-involved as necessary and appropriate.

In situations where an individual has concerns about someone's behavior but is unsure whether such behavior constitutes a "threat" to self or others, the individual should report the information to the Department of Public Safety or other College official, as appropriate, to allow the College the opportunity to assess the situation and respond as necessary:

### **Students**

Concerns about statements and/or behavior of students may be reported to the Vice President/Dean of Students, Senior Associate Dean of Students, Associate Dean of the College or Public Safety.

### **Faculty or Staff**

Concerns about the behavior of faculty or staff may be brought to the appropriate supervisory authority.

### **Confidentiality**

All reports under this policy will be handled in a sensitive manner. Information will be shared with others only to the extent necessary to assess and manage the situation and in accordance with state and federal law. In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional or religious advisor.

The medical, mental health and religious professionals at Saint Michael's College respect and protect confidential communication from students, faculty, and staff to the extent that they are legally able to do so. One of these professionals may have to breach confidence, however, when he or she perceives a serious risk of danger to another person or property. Saint Michael's College is also part of a larger community and context. If there is an independent investigation or lawsuit relating to an act of violence or a potential threat, those involved, or others may be required by law to provide documents, testimony, or other information.

### **Retaliation**

Retaliating directly or indirectly against a person who has in good faith made a report under this policy or who has supported or participated in an investigation is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop the report or not participate in the investigation, or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment. Depending on the circumstances, retaliation may be unlawful, whether or not the report is ultimately found to have merit. An individual who engages in retaliation under this policy will be subject to discipline in accordance with the College's Employee Handbook or Student Code of Conduct and Policies or other policies applicable to the program at issue.

### **Outline of Potential Team Activities**

The following outline of potential Team activities is intended to provide insight into some of the options that may, among other strategies, be utilized by the Team when it is assessing and managing potential threats. It is not intended to be and should not be construed as an all-inclusive or exclusive list, a mandatory procedure, or a “checklist.” The Team will assess and manage each situation in accordance with its best judgment and other applicable College policies, and any of the potential activities listed below may or may not be engaged, depending on the circumstances of a particular situation. The Department of Public Safety and/or other law enforcement agencies will usually coordinate all action in cases of a violent incident or imminent threat of violence on campus.

Once information of concern is received by the Team, the information will be evaluated and, if appropriate, representatives from the Team will be convened (based on the College program and persons involved, and team member availability).

The Team, or the Team’s Chair or designee, will first determine whether there is an imminent threat of harm or other emergency situation that requires immediate intervention. If so, the Team, Chair or designee may notify law enforcement, seek the assistance of Public Safety, seek emergency medical assistance, or take other appropriate measures to address the imminent threat or situation. If not, the Team or some portion of the Team will usually conduct an initial screening to determine whether a full inquiry is warranted.

If the Team determines that there does not appear to be an emergency or imminent threat of harm, but that a full inquiry is warranted, the Team will conduct a full inquiry to determine whether the person or situation of concern may pose a threat of violence or other harm. As part of its inquiry, the Team may obtain information from multiple sources including, but not limited to, faculty, student life staff, coaches, family members, or others who may have relevant knowledge or information. Community members are encouraged to cooperate fully with and provide information to the Team.

The Team will evaluate the information obtained in the course of the inquiry to determine whether the person or situation in question appears to pose a threat of violence or other harm.

If the Team determines that the person or situation poses a threat of violence or other harm, it usually will then develop, implement, monitor, and document a management plan designed to intervene and reduce the risk of harm that may be posed by the individual. The management plan may include, but is not limited to, the following (as circumstances and resources may dictate): family/parental notification; law enforcement intervention; disciplinary review and action; a behavioral contract, voluntary referral for mental health evaluation or treatment; mandated psychological assessment or other medical treatment; voluntary or involuntary withdrawal or suspension from the College; expulsion or dismissal of a person of concern; modification of the environment or other reasonable accommodations to mitigate risk; collaboration with the identified alleged target(s) to decrease vulnerability; engaging with the person of concern to de-escalate the situation; and ongoing monitoring.

If the Team determines that the person of concern does not pose a threat, the Team may take no action or may opt to monitor the person or situation for a period of time and re-evaluate the case, as necessary.

Cases handled by the Team will generally remain open until it appears that a management plan is no longer necessary.

The Team will participate in periodic training and conduct periodic assessments of outcomes of its management plans and actions taken.

## **ACADEMIC CONDUCT POLICY**

Saint Michael's College is dedicated to the pursuit of knowledge through the free expression and exploration of ideas. Instructors seek to develop and maintain a learning environment which is both open to differing opinions and respectful of all members of the campus community. While the principle of academic freedom protects this freedom of inquiry as essential to our academic mission, it does not protect conduct that is disruptive to the classroom environment in which learning occurs. Students, in adherence to the Saint Michael's College Code of Conduct, are required to follow course policies, expectations, and instructions regarding behavior and interactions with peers and instructors. The Code of Conduct applies to all courses and course-related work offered by the college, including in person, on-line, and hybrid courses, video meetings and discussion boards, and any course-related interactions or communications involving peers, staff, and faculty. Unacceptable student behavior may include, but is not limited to, the following types of disruptive conduct in or out of the classroom:

- Rude or disrespectful behavior directed at peers, staff, or faculty, including unwanted interruptions and failure to adhere to instructors' directions in a classroom activity
- Inappropriate and/or physically or verbally abusive language or behavior and other forms of intimidation in any setting

**Students must also respect a right to privacy and cannot record, capture, photograph, or share any class-related material, such as online video, faculty or student presentations, class content, faculty or student postings, correspondences, etc., with any third party (which includes other students) without express permission of all parties.**

A student may be temporarily removed or withdrawn from a course for not complying with these standards of behavior. The normal procedure for responding to unacceptable behavior is the following:

- The instructor is advised to keep careful written records regarding any incident of disruptive conduct.
- Following an initial incident, the instructor may choose to give an informal verbal warning to the student or may decide to inform their department chair and the Associate Dean's Office immediately. This decision is the prerogative of the instructor and may consider the severity of the incident.

- Depending on the severity of the incident and the input of the instructor, the Associate Dean may require a meeting along with a formal written warning to the student. This will be followed by a one-week probationary period, which will be noted in the student's file. If there is no further disruptive behavior the probationary period is terminated.
- If the disruptive conduct recurs at any point during the probationary period, the student may be withdrawn immediately from the course. This decision is made by the Associate Dean, in consultation with the instructor.
- Egregious violations of the Code of Conduct will be addressed by the Vice President of Academic Affairs and may result in suspension or expulsion from the college.

### **Academic Integrity Policy**

Scholarship, teaching and learning are possible only in an environment of academic integrity characterized by honesty and mutual trust. Simply expressed, academic integrity requires that one's work be one's own. Every member of the College community – students, faculty and administrators—has the responsibility to ensure that the highest standards of academic honesty and integrity are maintained.

To achieve this end, the College has established policies and procedures regarding breaches of academic integrity.

To achieve this end, the College has established the following policies and procedures regarding breaches of academic integrity.

### **Offenses Against Academic Integrity**

The following are examples of offenses to academic integrity that are prohibited by Saint Michael's College. The passages in italics constitute the Academic Regulations regarding academic integrity. These are followed by a brief discussion of the policies. Given the complex nature of the topic, the discussion does not include every possible offense against academic integrity but provides some typical examples.

#### **Plagiarism**

*Presenting another person's ideas or content generated by artificial intelligence as one's own, by directly quoting or indirectly paraphrasing, without properly citing the original source. This includes inadvertent failure to properly acknowledge sources.*

When using ideas, arguments, and/or data from other sources, the student must clearly define the sources using appropriate quotations and citations. Plagiarism may occur even when not using the exact words of another author. Paraphrasing a section of an article, book, or website without the proper attribution is considered plagiarism. A student should ask the

student's professor if there is any question about the proper use and citation of material from other sources.

Compositions, term papers, or computer programs acquired either in part or in whole from other students, the Internet, commercial resources, or any other source and submitted as one's own work shall be considered plagiarism. If the work contains the thoughts or words of others, and the student inadvertently fails to acknowledge the source(s), this action is considered plagiarism. Plagiarism applies to printed sources, electronic sources, video/audio sources, social media and material obtained through network sources, including e-mail.

### **Unauthorized Assistance**

*Giving or receiving assistance during an examination or in the preparation of other assignments without the authorization of the instructor.*

There are many possible instances of unauthorized assistance. Using cell phones and other electronic resources, any unauthorized notes during an exam, or use of artificial intelligence is prohibited unless the professor provides explicit permission. Copying from another individual's examination or providing information to another student during an examination is a breach of academic integrity.

Soliciting, obtaining, possessing, or providing to another person an examination prior to the administration of the exam is prohibited.

Take-home exams, papers, and other outside work, such as online assignments, are the sole responsibility of the individual student. Certainly, the above regulation does not prohibit group study sessions and consultation with other students to clarify points under study. In certain instances, a professor may permit and even encourage students to work together on certain projects. This is generally not the case when the work is represented as the student's own effort. If the student has any questions, they should ask the professor to provide clear guidelines regarding what assistance is authorized.

### **Interference**

*Interfering with the work of any other member of the College community by: (a) comprising academic material (laboratory reports, papers, presentations, etc.) or (b) infringing on the fair and equal access of all to the academic resources of the College.*

Any action that limits another student's access to the academic resources of the College or modifies their work is considered interference. For example, the unauthorized removal or relocation of library material is forbidden. Any tampering with another student's lab work or other academic work is a breach of academic integrity.

### **Interference Using Information Technology**

*Interfering with the work of any other member of the College by using information technology to: (a) alter another person's files, reports or data; (b) Compromise data housed in the College's academic information systems; or (c) engage in any unauthorized access to computer material whether on a College system, on a personal device located at the College, or over the Internet using College systems.*

Accessing computer data of any sort without authorization is a violation of academic integrity. This includes stealing or decoding passwords, destroying or modifying data, and reading or altering another person's files (including e-mail). In addition, any dissemination of the computer-generated material such as viruses or spam, as well as preventing legitimate access to information via technology, are violations of this policy.

### **Multiple Submissions**

*Submitting the same academic work to fulfill the requirements for more than one course without authorization of all instructors involved.*

Submitting the same paper for more than one course is a breach of academic integrity. There may be instances where a student may want to extend the research completed on a different project.

In these cases, the student must obtain the explicit permission of the professors involved.

### **Procedures**

#### **Offenses Within a Course**

If a breach of academic integrity occurs in a course, the primary responsibility for dealing with alleged offenses to the Academic Integrity Policy rests with the instructor in whose course the alleged offense occurs. The instructor may notify the student via email if a meeting with the student is not possible at the time the alleged offense is discovered. In these cases, the instructor shall thoroughly discuss or explain in writing the evidence of the offense and the sanction to be imposed. Depending on the severity of the offense, the instructor may require that an assignment be repeated with a reduction in grade for the assignment, may record a grade of zero or failure for the assignment, or may record a failure for the course. Possible sanction for academic integrity violations should be noted in writing on the instructor's syllabus. The instructor will file an Academic Integrity Offense Report with the Associate Dean of the College, noting the nature of the incident and the sanction imposed. The report shall be maintained in a confidential file in the Office of the Associate Dean. The instructor shall send a copy of the report to the student(s) involved in the incident.

When an instructor has filed an Academic Integrity Offense Report, the Associate Dean will meet with the student to discuss the matter and the sanction imposed. The Associate Dean will ensure that the student has a full understanding of the seriousness of the offense, the procedures to be followed and the possible consequences of the breach of academic integrity. The Associate Dean will ask the student to sign a form acknowledging the offense

and accepting the imposed sanction. This form will be filed along with the Academic Integrity Offense Report.

If upon the submission of an Academic Integrity Offense Report the Associate Dean determines that a student has a prior offense, the Judicial Review Board will examine the case according to procedures outlined in the Student Code of Conduct.

If a student does not accept the determination of the instructor and prefers to not sign the form accepting the sanction, the student may appeal the decision of the instructor to the Judicial Review Board. In such instances, any other reports regarding violations of academic integrity involving the student shall be made available to the Judicial Review Board.

At any point in this process prior to being referred to the Judicial Review Board by the Associate Dean, the instructor may refer the matter to the Judicial Review Board, or the student may appeal and ask the Judicial Review Board to hear the case.

There are several points in the above passage that should be highlighted for the sake of clarity. The primary responsibility for maintaining the Academic Integrity Policy lies with the professor. If a professor believes that a student has committed an offense against the policy, he or she must discuss the situation with the student before imposing sanctions. The professor will submit a report of the offense and the sanction to the Associate Dean of the College, who will in turn file the report in a confidential file in the Office of the Associate Dean. The student will receive a copy of this report. The primary purpose of this requirement is to determine whether a student has committed multiple offenses. These reports ARE NOT part of the permanent record, will not appear on the transcript or in any other individual student file maintained in the Associate Dean's Office, and will be destroyed when the student graduates or permanently withdraws from the College. (It should be added that any suspensions or expulsions by the Judicial Review Board do become part of a student's permanent record.) If the Associate Dean determines that a student has committed multiple offenses the Judicial Review Board will review the case. The Associate Dean shall ask the student to meet and discuss the Academic Integrity Offense Report, as well as any sanctions imposed. In addition, the student will be asked to sign an acknowledgement of the offense and acceptance of the sanctions. The student has the right to not sign the form and to appeal a professor's sanction to the Judicial Review Board. An appeal may be made to dispute the severity of the sanction or the facts of the case. If a student wishes to appeal a professor's decision, he or she should contact the Associate Dean of the College.

### **Offenses Outside a Course**

In instances of alleged academic "vandalism" outside the context of a specific course, such as interfering with another's work using information technology systems, the case shall be presented to the Associate Dean of the College for review. The Associate Dean shall undertake a thorough investigation of the alleged offense, and if sufficient evidence warrants further action the Associate Dean shall refer the case to the Judicial Review Board. The Associate Dean shall file a report in the Office of the Vice-President for Academic Affairs.

## **Sanctions**

When an offense occurs in a course, the instructor will determine the specific sanctions imposed for each offense. These sanctions include but are not limited to (a) repeating the assignment with a reduction in grade for the assignment; (b) failure for the specific assignment; (c) a reduction in the student's grade for the course; (d) failure for the course; (e) dismissal from a course. The Judicial Review Board may determine that additional sanctions are warranted.

When an offense occurs outside the context of a course, the Judicial Review Board will determine the sanctions for each offense. These sanctions may include: (a) suspension from the College for a determined amount of time; or (b) expulsion from the College.

## **Judicial Review Board Procedures**

The Judicial Review Board for hearing cases of academic integrity consists of three members appointed annually: one student appointed by the President of the Student Association, and two faculty members appointed in accordance with Faculty Regulations. The Associate Dean of the College convenes the Judicial Review Board.

The Judicial Review Board shall examine alleged offenses to the Academic Integrity Policy in the following instances: (a) when they occur outside the context of a course; (b) when the case is referred or appealed by any of the parties of an alleged in-course offense; (c) when the Associate Dean of the College determines that the student has a prior offense. As soon as an offense against Academic Integrity has been reported, the Associate Dean of the College shall call a meeting of the Judicial Review Board to hear the evidence and decide regarding any further action to be taken. The Board will determine its own chair.

The Judicial Review Board shall hear all relevant evidence from the parties involved in the matter. Based upon its determination of the facts, the Board may impose the full range of sanctions, which an instructor may impose, but the Board may also impose more severe sanctions including suspension or expulsion from the College. Since multiple offenses are particularly grave, the Board may find that suspension is the minimum sanction to be imposed in such instance, but may also choose lesser academic sanctions, including upholding the instructor's original sanction, increasing the severity of the sanction for the assignment in which the charge has occurred, lowering the final course grade, or failing the student for the course. The President shall have the power to review any decision of the Judicial Review Board and to reverse or modify any decision.

There are four situations when Judicial Review Board may adjudicate issues related to the Academic Integrity Policy: (1) when a student appeals a professor's decision, (2) when professor asks the Board to review a case, (3) when a student has committed multiple offenses, (4) when there are offenses outside the context of a course. Students may appeal any decision of the Judicial Review Board regarding academic integrity to the Vice-President for Academic Affairs.

## **Academic Conflict Resolution Procedure**

A student who believes that course work has been unfairly evaluated, or who has another conflict regarding academic matters less than Academic Probation/Dismissal or that do not involve the Academic Integrity Policy, should use the following procedure:

As soon as possible, no later than the end of the sixth week of the following semester, the student must approach the faculty member to discuss the issue (when possible). In the event of a grade dispute, the student should seek an explanation of the method of evaluation and seek a determination that no error has been made.

If the student is not satisfied with the results of this conference, or if a meeting with the faculty member was impossible or unadvisable, the case must be presented in writing with supporting documentation to the department chair.

If, after consultation with the faculty member (when possible) and after a review of the written evidence, the department chair finds legitimate cause for complaint, he or she will try to work toward an equitable solution with the student and faculty member. If this fails, he or she will bring the matter to the Associate Dean of the College. If the department chair concludes there is no cause for complaint, the student may approach the Associate Dean of the College, who will confer with the faculty member and the student.

If a student is still not satisfied with the outcome of the conference with the Associate Dean, the student may formally appeal the grade. The grade will be reviewed by a panel consisting of the Dean of the College, the faculty member who gave the original grade, and a member of the Curriculum and Education Policy Committee, selected by that committee's chair. If for some reason the original faculty member is unavailable, the department chair may appoint a substitute. The majority decision of this three-person panel will be final. If the decision is made to change the grade, the department chair from that field of study will be consulted by the Dean to help determine the final grade.

## **CAMPUS DISPLAY POLICY**

Campus Temporary Display Application Process

### **Responsibilities of the Sponsoring Organization**

1. The sponsoring organization must complete the Campus Temporary Display application form at least (5) five business days before the organization wishes to display with the Office of Student Activities. The request must include a short rationale as to why the group would like to have the display and the intended value to the Saint Michael's College community. A picture or diagram of the display must accompany the application form. Only displays proposed by a Saint Michael's College SGA recognized organization/College department will be considered. A request does not guarantee approval.

2. Requests can only be made during the current academic year beginning on the first day of classes in the Fall Semester.
3. Upon approval, and for proper execution of the display process, the display must be presented to the Office of Student Activities at least two business days prior to the approved date, if appropriate. Additionally, the sponsoring organization must supply a completed Information Sheet as defined above which will be displayed in a display case.
4. Displays will remain throughout the approved period (including through the night), not to exceed (4) four weeks.
5. Displays must be picked up on the last day of the period by 4:30pm. If not picked up by the assigned date/time, the display will be discarded.
6. Saint Michael's College is not responsible for theft or damage to any displays. In the event of damage, the College will investigate and take appropriate action when possible.
7. If an unauthorized display is erected, College personnel will take down the display immediately.

### **Review Committee**

A committee of campus representatives will review proposals weekly. The committee will be made up of faculty, students and staff from Student Activities, Facilities and Campus Ministry. This committee will respond via email to proposals in a timely manner, not to exceed (5) five business days from submission. If the committee needs additional information to decide, the committee will reach out to the person who submitted the proposal.

### **Grounds for Decisions**

All decisions will consider the following

1. Public/Campus Safety/Pedestrian Traffic
2. Preservation of the College's Facilities
3. Consistency with the College's Code on Free Expression
4. Catholic Mission

### **Permanent Displays**

Proposals for permanent displays on campus should follow the aforementioned process. Proposals for permanent campus displays will be forwarded to and reviewed by the president's cabinet.

### **Campus Display Online Form**

[https://cm.maxient.com/reportingform.php?SaintMichaelsCollegeVT&layout\\_id=2](https://cm.maxient.com/reportingform.php?SaintMichaelsCollegeVT&layout_id=2)

## **SPEECH CODE POLICY**

### **Introduction**

We think it best for a speech code to be concise enough to include in a student handbook so that it will actually be read, and clear enough that it can be easily understood. Our purpose should not be to confuse or ensnare the unwary but to guide community members to better conduct. Sanctions should be held in reserve and employed only as a last resort.

By way of explanation, we intend to make it clear that uninhibited speech and debate should be the norm on a college campus. Exceptions should be few, narrow and relatively clearly defined so that potential speakers are given fair notice of what is tolerated and what is not. In addition, we want to confine the discretion of enforcing authorities who are equally subject to human misjudgments.

Vague or overly inclusive definitions of prohibited speech are an invitation to selective enforcement. Exceptions should be justified as a sort of Roberts Rules of the public forum and only as necessary to maintain order, to protect the rights of others, or as necessary to further the institutional mission.

We have described nine categories of behavior that are over the line. The first two are, to use some first amendment jargon, “content-neutral” in that the prohibition is not based on what is said, but rather objects to disruptive or invasive conduct. We include them here because such disruptions or invasions are frequently accomplished by speaking, but the objection would apply equally well to simple noise or physical blockage. Even in a public institution (like UVM or Castleton State), these would raise no first amendment issue in the absence of evidence of selective enforcement.

We also preserve the special status of the Chapel as a place of worship.

The next seven categories are content-defined and so touch directly on free expression. All but the last one closely tracks accepted first amendment theory that recognizes that some speech may be subject to sanction because, 1) it does not meaningfully convey ideas or contribute to public debate, and 2) the words are harmful by their very utterance, i.e., no esoteric or eccentric interpretation is required to understand their immediately harmful impact. A good way to understand this is to ask, does the utterance convey a contestable proposition and do the circumstances permit refinement or correction of that proposition through further speech? (One exception—for defamation we do not distinguish between public and private figures, a distinction we think unnecessary outside of a lawsuit and unworkable in a small community like SMC.)

Only in the last category of prohibited expression—hate speech—do we substantially depart from first amendment doctrine and go in another direction. Under the first amendment, the Supreme Court has made it clear that hate speech can be punished only if it also takes the

form of harassment, true threat, fighting words or incitement. Most democracies are not so tolerant.

Compelling arguments can be made on both sides of the question. We are comfortable restricting such expressions at SMC because, 1) the College is a private institution and so not bound by the first amendment, 2) SMC is a smaller and more intimate community than the United States, and 3) unlike the liberal state, the College has a moral foundation—“to contribute through higher education to the enhancement of the human person and the advancement of human culture in light of the Catholic faith” and “to encourage the development of an empathetic understanding and respect for the differing views of others derived from their history, status or unique philosophical or religious belief” in which “the dignity of each person needs to be acknowledged.” These require curtailment of certain kinds of expression. We seek to lessen the obvious tension here by restricting the protected classes of persons to named ascriptive groups, those individuals do not choose to join (with one exception) but usually find themselves born into and from which they cannot easily depart, and which are understood to be historical victims of exclusion or victimization.

Finally, we include a disclaimer meant to protect existing rules of confidentiality.

### **Freedom of Expression and Civility**

Saint Michael’s College is dedicated to the promotion of education in the liberal arts and sciences in light of the Catholic intellectual tradition and in service to humanity. Towards this end, the College will seek to encourage the exploration of all subjects and to foster dialogue among all points of view. This means the College will be protective of free expression that cultivates an open and critical exchange of ideas and opinions among faculty, staff and students. At the same time, the College recognizes the need to foster a community built upon civility and mutual respect for all persons, including those of diverse backgrounds, identities and belief systems. It is critical that all members of the community are included in this mission on the basis of equality and perceive that they are included on the basis of equality. Of necessity, these goals require some restraint on the kinds of expression the College will tolerate. It will be the responsibility of groups that sponsor outside speakers to take reasonable steps to ensure that guests are in compliance with this speech code.

### **In the Classroom or other Learning Spaces (including library, lecture halls or theater)**

Speech or actions that are disruptive of the educational process to which the space has been dedicated, including efforts to silence the expression of others or to block access to events, are an affront to the very purpose of an academic community as well as a violation of the rights of students, faculty and staff will not be tolerated.

### **In the Chapel**

The Chapel is a place of learning, listening, reverent silence, and of speech, but it is first and foremost a place of worship according to the tenets of the Catholic Church. While secular events are from time to time presented in the Chapel, it should be understood that all expression there

should support and conform to its primary purpose, facilitating theocentric encounter, always commensurate with the Catholic faith, and secondarily be compatible with other theocentric faith traditions.

### **In Residences**

Students have a privacy right of seclusion and protection from unwanted speech in their residences, as citizens have in their living spaces. Behavior or targeted speech that invades this privacy interest will not be tolerated.

Protection of privacy or academic functions, as well as public safety, may require some reasonable regulation of the time, place or manner of such speech-enhancing conduct as protests, rallies, marches, or the hanging of signs or banners. Such regulation will be applied in an ideologically neutral fashion. Department of Public Safety regulations will be observed at all times.

### **In the Public Spaces**

The College values the free expression of ideas, even recognizing that expression may at times be vehement or unpleasant. Free discussion of ideas should be uninhibited, robust, and wide-open to the greatest degree compatible with the needs of a civil community. Nonetheless, certain forms of expression that do not contribute in any meaningful way to the exchange of ideas and that are injurious by their very utterance should have no place on the Saint Michael's College campus.

Expression that is not tolerated will be exceptional, but will include communication through, for example, words, gestures, displays, images, symbols, skits or costumes taking any of the following forms:

- **Incitement to Illegal Conduct**—including statements that urge or instruct unlawful conduct, in a context where such conduct is likely to follow.
- **Obscenity**—including explicit sexual depictions that, when judged by the average member of the community, evaluating the dominant theme of the work when taken as a whole, are found to appeal to a prurient interest in sex; and are found to be patently offensive in that they far exceed community standards of decency and candor in discussing sexual matters; and are found to lack serious political, artistic, scientific, or literary value.
- **Defamation**—including untrue statements intended to undermine or have the effect of undermining another person's reputation for good character, when delivered to third persons.
- **True Threat**—including statements that seek to intimidate or to cause fear of imminent physical harm, communicated to their targeted victim.
- **Harassment**—including a pattern of unwanted and intrusive expression that persists regardless of the target's stated objections.

- **Fighting Words**—including personally insulting statements directed at an individual or small group that risk provoking a violent response or breach of the peace.
- **Hate Speech**—including expression that vilifies, intimidates, disparages or diminishes individuals on the basis of the following ascriptive group affiliations, creating a hostile learning or working environment:
  - Race/color/ancestry/national origin/place of birth
  - Age
  - Religion
  - Sex, gender, or gender identity
  - Sexual orientation
  - Disability or HIV-positive test result status
  - Veteran or military service status

This provision will not limit in any way classroom-related academic discussions of history, literature, art, philosophy, natural or social science.

### **Confidentiality**

The normal functions of a college frequently include communications of a confidential nature regarding matters such as student academic records, disciplinary proceedings, letters of recommendation, employment records, medical records, etc. Nothing in the statement shall be deemed to alter any existing confidentiality practices.

### **STUDENT PARKING REGULATIONS**

**Parking regulations are enforced 24 hours a day, seven days a week using a system of warnings, citations, and/or removal of vehicles by towing.**

- All motor vehicles must be properly registered for campus parking.
- Parking for visitors or non-affiliates of the college needs to be registered by reaching out to [parking@smcvt.edu](mailto:parking@smcvt.edu) three days prior to the visit.
- First year students are approved for a car on campus only after the first semester has ended and based on availability.
- Motor vehicles deemed as inoperable for any reason will not be allowed campus parking or storage. Owners/operators of these vehicles must contact parking services immediately and are responsible for removing them from campus within three days.
- When a parking sign conflicts with the parking map or information on this website, the sign will always supersede. In the absence of a sign at the entrance to a lot, refer to the parking map to determine parking regulations for that lot.
- All vehicles must be parked within the marked boundaries of one parking space or stall.
- Any area not specifically designated for parking is considered a no parking zone. Vehicles will be cited accordingly.

- Incorrect information submitted within any parking transaction such as but not limited to, permit sales or parking payment transactions, whether intentional or not, may constitute a violation.
- Permit holders must be aware that at certain times their assigned zone may not be reserved. These times include but are not limited to, days when special events bring large numbers of visitors to campus such as athletic events, commencement, move-in / move-out, parents, family & alumni weekend. There is no provision for the permit for these exceptions.
- Parking permits are the property of Saint Michael's College. Permits are not transferable to another user and may not be re-manufactured, resold, altered, or photocopied under any circumstances. Permits are valid only under the sole authorization of Saint Michael's College parking, willfully falsifying information in any transaction including, but not limited to, registering, or attempting to register vehicles not following our regulations will constitute a violation. Vehicles found in violation of this regulation will be subject to ticketing and towing without notice, referral to the Office of Student Life, subject to the Student Conduct Board, and revocation of campus parking privileges.
- Vehicles that present a hazard, are parked in Tow Zones, Fire Lanes, blocking sidewalks, crosswalks, and dumpsters, or are parked in a Handicap space without displaying government-issued authorization are subject to immediate towing at the owner's expense without further warning.
- In situations involving extreme weather conditions or other unplanned events (e.g., severe snow or rainstorms, fires or damage to adjacent structures, etc.), it may become necessary to temporarily relocate vehicles from their assigned parking zones. In these instances, notice will be forwarded to the affected students / faculty and staff via email, directing the vehicles to be moved to a designated area. Failure to comply with this request may result in ticketing and towing without further notice.

## **Fees**

Parking Citations - Start at \$25 and up

Booted Vehicle - \$50 for the boot and appropriate parking citation

Tow - \$150 tow, any tow yard fees, and appropriate parking citation

## **COVID ADDENDUM**

All COVID-related expectations and guidelines will be in place until otherwise notified by Saint Michael's College. Saint Michael's College may amend these guidelines at any time due to the changing nature of COVID-19. Failure to adhere to any of the COVID guidelines may result in loss of in person learning, loss of on campus housing, suspension or expulsion. The decision regarding COVID violations will be made by the Dean of Students and the Director of Residential Life and Community Standards.

This Student Handbook has been compiled after consultation with representatives of the Saint Michael's College Administration, Faculty, and Student Association. The Student Handbook is the official statement of college policies concerning student life.

This Student Handbook outlines our mutual responsibilities, College policies and expectations, and your individual rights as a member of this community. Please remember that as a student you are expected to become familiar with campus regulations and policies and to abide by them.

Student members of the Saint Michael's College community must also be aware that they are members of the larger society. The College is committed to observance of state, federal and municipal laws and regulations. Students are not immune to prosecution by local, state or federal enforcement agencies, whether or not the College acts on a violation.

The President of the College shall have the power to suspend any section or sections of this Handbook when they determine that due to the seriousness of a condition or action the College would be best served by such a decision. Such suspension may include forthwith imposition of disciplinary sanctions on students.

Saint Michael's College reserves the right to make modifications pertaining to matters included in this Handbook when such modifications are deemed necessary. In such cases, reasonable notice shall be provided to those affected by modifications.

Saint Michael's College is an equal opportunity institution. It does not discriminate against students, employees, or applicants for admission or employment, on the basis of race, color, sex, age, national origin, place of birth, marital status, veteran or military service status, HIV-positive status, ancestry, ethnicity, religion, disability, sexual orientation, gender identity or any other characteristic protected by law, to the extent and as such characteristics are defined by applicable law.

This Student Handbook was last updated August 2023.