



XAVIER
UNIVERSITY

2011-2012
**STUDENT
HANDBOOK**

This statement has been authorized for use effective August, 2012 and replaces any prior statement regarding standards of student conduct at Xavier University. Notice of changes to this Student Handbook will be provided to students through the Campus portal, e-mail system, or by some other method reasonably intended to reach all students.

The University reserves the right to make changes to the Student Handbook at any time.

The on-line version of this Handbook is the official version which can be located on the Xavier website. **All students of Xavier University are responsible for knowing, understanding, and abiding by the terms of this Student Handbook.**

A Xavier University email address will be provided to all enrolled students and will act as the official email address for University correspondences. To ensure that university communications are received, all official electronic correspondences sent from Xavier University administration to the student population will be sent to the student's Xavier email address. Questions can be addressed by contacting the IR Policy and Security Committee at irpsc@xavier.edu.

As a Jesuit, Catholic University, Xavier is dedicated to providing students with a caring, supportive, and developmentally enriching environment that focuses on the whole person. The standards of student conduct are designed to foster the ethical development and personal integrity of students and to promote an environment that is in accord with the values-oriented mission of the University.

Working together, students, faculty, and staff create a climate rooted in the Jesuit, Catholic tradition. Xavier embraces certain values, which enhance the integrity of the educational community. A student's behavior should reflect the values of respect for oneself, respect for others, respect for authority, respect for property, and honesty and integrity.

TABLE OF CONTENTS

| | |
|--|----|
| <i>University Mission Statement</i> | 1 |
| <i>1.0 Scope of Policies, Guidelines, and Procedures Contained in the Student Handbook</i> | 2 |
| <i>2.0 Statement on Student Rights and Responsibilities</i> | 3 |
| <i>3.0 Access to Higher Education</i> | 5 |
| <i>4.0 Affirmative Action</i> | 5 |
| <i>5.0 Compliance with Federal Non-Discrimination Regulations</i> | 5 |
| <i>6.0 Financial Obligations</i> | 6 |
| <i>7.0 Immunization Requirements</i> | 6 |
| <i>8.0 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)</i> | 7 |
| <i>8.1 Basic Policy</i> | 7 |
| <i>8.2 Release Policy</i> | 7 |
| <i>8.3 Maintenance of Records</i> | 9 |
| <i>8.4 Student Right to Access</i> | 10 |
| <i>8.5 Waiver of Right to Access</i> | 10 |
| <i>8.6 Procedure for Access</i> | 11 |
| <i>8.7 Procedure for Challenging the Record and Informal Proceedings</i> | 11 |
| <i>8.8 Formal Hearing</i> | 11 |
| <i>8.9 Record of Hearing</i> | 12 |
| <i>8.10 Additional Notes</i> | 12 |
| <i>9.0 DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1989</i> | 13 |
| <i>9.1 Purpose</i> | 13 |
| <i>9.2 Policy</i> | 13 |
| <i>9.3 Applicable federal, state, and local laws and sanctions</i> | 13 |
| <i>9.4 Federal law</i> | 13 |
| <i>9.5 State law, alcohol</i> | 14 |
| <i>9.6 State law, drugs</i> | 15 |
| <i>9.7 Local law</i> | 15 |
| <i>10.0 Values Statement</i> | 17 |
| <i>11.0 Complicity Statement</i> | 17 |
| <i>12.0 Academic Honesty</i> | 17 |
| <i>13.0 Code of Student Conduct</i> | 18 |

| | |
|--|-----------|
| 13.1 Respect for Authority | 18 |
| 13.2 Respect for Oneself | 18 |
| 13.3 Respect for Others | 19 |
| 13.4 Respect for Property | 19 |
| 13.5 Respect for University Values: Honesty and Integrity | 20 |
| 13.6 Respect for Community | 20 |
| 14.0 Standards for Off-Campus Living | 21 |
| 15.0 Official Warnings for Off-Campus Parties and Disorderly House | 22 |
| 16.0 Suggestions for Good Neighbor Relations | 22 |
| 17.0 Procedures for Neighbors to Make a Complaint about Off-Campus Disturbances | 22 |
| 18.0 UNIVERSITY CONDUCT SYSTEM | 23 |
| 18.1 Reporting Incidents | 23 |
| 18.2 Administrative Authority | 23 |
| 18.2.1 Administrative Hearing | 23 |
| 18.2.2 Peer Review Board (PRB) (administered by the Office of Residence Life) | 24 |
| A. Administrative/Peer Review Conduct Board Hearing Procedures | 25 |
| 18.2.3 The University Conduct Board (UCB) | 25 |
| A. Protocol for Audio Recordings | 27 |
| 18.2.4 Club Sports Council | 28 |
| 18.2.5 Appeal Officer or Board | 28 |
| 18.3 Student Rights | 29 |
| 18.4 Violation of Law and University Policy | 32 |
| 18.5 University Response to Police Citations Issued to Xavier Students | 33 |
| 18.6 University Authority in Cases Occurring Off-Campus | 33 |
| 18.7 Appeal Process | 35 |
| 18.8 Appeal Meeting | 36 |
| 18.9 University Sanctions | 37 |
| 18.10 Non-Compliance with University Sanctions | 39 |
| 18.11 Special Circumstances | 39 |
| 18.12 Emergency Administrative Action | 40 |
| 18.13 Psychological Emergencies | 40 |
| 18.14 Confidentiality | 40 |
| 18.15 Required Disclosures | 41 |

| | |
|--|-----------|
| 18.16 Permissible Disclosures | 41 |
| 18.17 Retention of Disciplinary Records | 42 |
| 19.0 UNIVERSITY POLICIES AND REGULATIONS | 43 |
| 19.1 Academic Standing | 43 |
| 19.2 Acceptable Use of University Computers and Network Systems | 43 |
| 19.3 Advertisements | 44 |
| 19.4 Alcohol and Other Drug Policy | 47 |
| 19.5 ALL Card | 49 |
| 19.6 Athletic Events | 50 |
| 19.7 Class Absence for Participation in Official University Events | 50 |
| 19.8 Climate of Respect | 51 |
| 19.9 Collection Policy and Procedure for Departmental/Club Collection Items | 51 |
| 19.10 Cooperation with University Officials | 51 |
| 19.11 Demonstrations | 51 |
| 19.12 Dining Facility Property | 52 |
| 19.13 Disorderly/Disruptive Behavior | 52 |
| 19.14 Fire Safety | 52 |
| 19.15 Fundraising | 53 |
| 19.16 Gambling | 53 |
| 19.17 Grilling | 53 |
| 19.18 Harassment Policy | 53 |
| 19.19 Hazing | 56 |
| 19.20 Illegal downloading | 57 |
| 19.21 Local Address | 57 |
| 19.22 Meal Plan Verification at Campus Food Outlets | 57 |
| 19.23 No Contact Notice | 57 |
| 19.24 Non-Payment of Tuition and Fees | 58 |
| 19.25 Observance of Religious Holidays | 58 |
| 19.26 Outdoor Events | 59 |
| 19.27 Parking | 59 |
| 19.28 Political Activities on Campus Policy Statement | 60 |
| 19.29 Privacy of Electronic Information | 60 |
| 19.30 Sexual Misconduct and Sexual Assault | 61 |
| 19.31 Smoking/Non-smoking Areas | 67 |
| 19.32 Solicitation | 67 |
| 19.33 Travel Policy | 67 |

| | | |
|--------------|---|-----------|
| 19.34 | <i>User Accounts</i> | 68 |
| 19.35 | <i>Weapons</i> | 68 |
| 20.0 | <i>INFORMATION AND GUIDELINES</i> | 69 |
| 20.1 | <i>Student Injury or Illness</i> | 69 |
| 20.2 | <i>Inclement Weather Policy</i> | 69 |
| 20.3 | <i>Online Communities</i> | 70 |
| 20.4 | <i>University Protocol for Campus Public Speakers and Events</i> | 70 |
| 20.5 | <i>Statement on Sexual Orientation</i> | 71 |
| 20.6 | <i>Theft</i> | 72 |
| 20.7 | <i>XU Alert Me</i> | 73 |
| 21.0 | <i>UNIVERSITY OWNED HOUSING POLICIES AND RESPONSIBILITIES</i> | 74 |
| 21.1 | <i>Alcohol Policy (Residence Life Alcohol Regulations)</i> | 75 |
| 21.2 | <i>Amplified Instruments</i> | 76 |
| 21.3 | <i>Appliances</i> | 76 |
| 21.4 | <i>Candles/Incense/Oil Lamps</i> | 77 |
| 21.5 | <i>Cleanliness</i> | 77 |
| 21.6 | <i>Damages/Vandalism</i> | 77 |
| 21.7 | <i>Decorations</i> | 78 |
| 21.8 | <i>Furniture</i> | 79 |
| 21.9 | <i>Guests</i> | 79 |
| 21.10 | <i>Lockouts</i> | 80 |
| 21.11 | <i>Pets</i> | 81 |
| 21.12 | <i>Quiet Hours/Noise</i> | 81 |
| 21.13 | <i>Restricted Areas</i> | 81 |
| 21.14 | <i>Thermometers</i> | 82 |
| 21.15 | <i>Trash</i> | 82 |
| 21.16 | <i>Unauthorized Room Change</i> | 82 |
| 21.17 | <i>Visitation</i> | 82 |
| 21.18 | <i>Windows</i> | 82 |
| 22.0 | <i>Xavier University Appeal Request Form</i> | 84 |

University Mission Statement

Xavier's mission is to educate. Our essential activity is the interaction of students and faculty in an educational experience characterized by critical thinking and articulate expression with specific attention given to ethical issues and values. Xavier is a Catholic institution in the Jesuit tradition, an urban university firmly rooted in the principles and conviction of the Judeo-Christian tradition and in the best ideals of American heritage.

Xavier is an educational community dedicated to the pursuit of knowledge, to the orderly discussion of issues confronting society; and, as would befit an American institution grounded in the humanities and sciences, Xavier is committed unreservedly to open and free inquiry.

Xavier, while primarily an undergraduate institution emphasizing the liberal arts, is also committed to providing graduate and professional education in areas of its demonstrated competence and where it meets a particular need of society, especially of Xavier's regional constituency. Faculty members, moreover, are strongly encouraged to engage in research outside the classroom in order to maintain the professional standing of the institution.

With attention to the student as an individual, Jesuit education seeks to develop:

1. Intellectual skills for both a full life in the human community and service in the Kingdom of God;
2. Critical attention to the underlying philosophical and theological implications of the issues;
3. A world view that is oriented to responsible action and recognizes the intrinsic value of the natural and human values;
4. An understanding and communication of the moral and religious values through personal concern and lived witness, as well as by precept of instruction; and
5. A sense of the whole person- body, mind, and spirit.

In keeping with the Jesuit tradition, Xavier believes that religious insights are complementary to the intellectual life, and that a continuing synthesis of the Christian perspective with all other forms of human knowledge is conducive to wisdom and understanding. Xavier shares in worldwide Jesuit commitment to a creative and intelligent engagement with questions of peace and justice.

Xavier aims to provide all students with a supportive learning environment which offers opportunities for identifying personal needs, setting goals, and developing recreational and aesthetic interests and skills for daily living and leadership. The self-understanding and interpersonal development that result are vital corollaries to a student's academic development.

Xavier believes that these goals can be achieved only through academic programs of high quality that are served by faculty devoted primarily to excellence in teaching, are nurtured by scholarship and research and are supported by a broad range of university and student life programs.

1.0 Scope of Policies, Guidelines, and Procedures Contained in the Student Handbook

It is the obligation of every Xavier University student (undergraduate, graduate, traditional, non-traditional, full-time, part-time, on-campus, or off-campus resident) to comply with the policies, guidelines, and procedures within the Xavier University Student Handbook as a condition of enrollment noting that some aspects of the contents specifically refer to specific student populations. Furthermore, the contents of the Student Handbook applies to any, and all, students who represent the University in any capacity where University resources (human and/or fiscal) support a program, event, or trip whether domestic or international.

Any violation of the Code of Student Conduct will be handled through the University conduct process and students involved in violations will be charged and sanctioned if found responsible. It is within the rights of any faculty member, club or organization advisor, or any person functioning in a capacity as University agent and responsible party for a University-sponsored trip or educational experience (academic or co-curricular) to take prudent action when violations occur based on inappropriate choices that may place a student at risk of harming self or others. This may include ending the experience for the entire group or sending a student back to the University at the person(s) personal expense.

It should be noted that by a person's choice to enroll as a student at Xavier University, he/she agrees to abide by the contents of the Student Handbook and any violations will be handled through the appropriate procedures for violations occurring on campus or off-campus.

2.0 Statement on Student Rights and Responsibilities

A University community requires an environment conducive to intellectual and personal growth of its students. Since actions of each individual affect this climate, Xavier University expects responsible conduct on the part of every student who is a member of this University community.

To further its objectives, and in recognition of students as members of the Xavier University community, the University has adopted the following:

1. Applicants who meet specifically stated requirements will be eligible for admission to the University and for participation in all of its programs without regard for race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, disability, political beliefs, and military status, unfavorable military discharge other than dishonorable and marital status.
2. Students have the freedom to express reasoned exception to the data or views offered in any courses of study for which they are enrolled but are responsible for learning the content of the courses.
3. For purposes of gaining academic credit, students shall be evaluated in terms of stated course competencies and requirements and not on personal or political beliefs.
4. Disclosure of a student's personal or political beliefs confidentially expressed in connection with course work will not be made public without explicit permission of the student.
5. Students will be informed of all rules, rates, and regulations deriving from contractual arrangements with the University before signing any such contracts.
6. Students on campus or residing in University-owned housing will be secure against any unreasonable invasion of privacy, search or seizure but are responsible for compliance with all University regulations.
7. Students are free to form, join, and participate in campus organizations for educational, religious, social, political, cultural or other purposes.
8. Students are free to use campus facilities for meetings of registered and officially recognized organizations, subject to uniform regulations as to time and manner governing the facilities.
9. Students' records may be released in accordance with provisions of the Family Educational Rights and Privacy Act of 1974 or as outlined in Permissible Disclosures, page 38.
10. Students are free, individually or in association with other individuals, to engage in activities not sponsored by the University, exercising their rights as citizens of the community, state and nation, provided they do not purport to represent the University.
11. As appropriate, students will have their views and welfare considered in the formation of University policy and will be consulted by, or represented on, University councils and committees which affect students as members of the University community.

12. Students are free to assemble, demonstrate, communicate and protest, recognizing that freedom requires order, discipline and responsibility, and further recognizing the right of faculty and other students to pursue their legitimate goals without interference.
13. Students will be exempt from disciplinary action or dismissal from the University except for academic ineptness or lack of reasonable progress, failure to pay University debts, or violation of student or University rules and regulations.
14. Students are free to be present on campus and to attend classes pending action on criminal or civil charges, except for reasons relating to their physical or emotional safety and well-being, or for reasons relating to the safety and well-being of students, faculty, staff, University property, or for other reasons outlined in the Student Handbook. Students are subject to local, state, and federal statutes.
15. It is recognized that all members of the community have the responsibility to conduct themselves in a manner that does not violate the rights, property, and freedoms of others.
16. Editorial freedom in student publications and media shall be given under the following guidelines:
 - a. Students shall be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo.
 - b. All University published and/or financed student publications should explicitly state on the editorial page that, "the opinions expressed are not necessarily those of the University or of the student body."
 - c. Editors shall be protected from arbitrary suspension and removal because of student, administrative or public disapproval, and editorial policy or content. Only for proper and stated causes shall editors be removed by the proper agency responsible for their appointment.
17. Students have the right to establish and maintain duly constituted governments, associations, and organizations to the extent approved by the University. A statement of purpose and/or a constitution shall be submitted for approval to the Office of Student Affairs to become officially recognized by the University.

Accommodations for Persons with Disabilities

The Learning Assistance Center and the Office of Diversity are the primary support systems for students with disabilities. Xavier will use its best efforts to provide services based on individualized need. Students desiring an accommodation that will enable them to fully participate in academic or campus activities should immediately contact the staff of the Learning Assistance Center or the Office of Diversity.

3.0 Access to Higher Education

Within the limits of its facilities, Xavier University is open to all applicants who are qualified according to its admission requirements.

- A.** The institution will make clear with this document and the Xavier University Catalog, the characteristics and expectations of students that it considers relevant to its programs.
- B.** Under no circumstances will an applicant be denied admission because of race, religion, gender, sexual orientation, gender identity and expression, ethnic background or disability.
- C.** Admission may be denied based on prior criminal history.

4.0 Affirmative Action

Xavier University affords equal opportunity to all qualified persons regardless of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, disability, political beliefs, marital status, military status, unfavorable military discharge other than dishonorable. Any student with questions or concerns about any type of discrimination is encouraged to bring these issues to the attention of the Office of Diversity. Students can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination may be subject to disciplinary action, up to and including expulsion.

5.0 Compliance with Federal Non Discrimination Regulations

Several federal regulations have been adopted that have as their purpose the protection of students' rights. Of particular interest are the following:

- A.** Equal Opportunity: Xavier University supports the principles of equal opportunity for employment to all qualified persons without regard to race, gender, religion, color, national origin or age.
- B.** Title IX: Xavier University does not discriminate on the basis of Gender, in accord with Title IX of the 1972 Education Amendments, in its Educational programs, Admission Policies, Activities or Employment Policies. This Legislation provides that no person in the United States shall, on the basis of Gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. This includes protection from sexual harassment. Inquiries concerning the application of Title IX may be referred to Xavier's Title IX coordinator, Kathy Riga, Assistant Vice President for Human Resources, Alumni Center Room 132, 3800 Victory Parkway, Cincinnati, Ohio 45207-5400, 513-745-3638, riga@xavier.edu or to the Office of Civil Rights, Cleveland Office, U.S. Department of Education, 600 Superior Avenue East, Suite 750, Cleveland, OH 44114-2611, 216-522-4970, OCR.Cleveland@ed.gov
- C.** Section 504 of the Rehabilitation Act: Xavier University does not discriminate against Individuals with Disabilities in its Educational programs, Admissions Policies, Activities, or Employment Policies. Section 504 of the Rehabilitation

Act of 1973, as amended, provides that no otherwise qualified individual with a disability shall be excluded from participation in, denied the benefits of or be subjected to discrimination solely because of their disability, under any program or activity that receives federal financial assistance.

- D. The American with Disabilities Act (ADA) of 1990 provides comprehensive civil rights protection to individuals with disabilities and prohibits discrimination on the basis of disability in employment, places of public accommodations, state and local government services and telecommunications. Inquiries regarding compliance may be directed to the Office of Diversity or to the Director of the Offices of Civil Rights, Department of Education, and Washington, D.C.

6.0 Financial Obligations

Students are responsible for the payment of all financial obligations as scheduled in the University catalogs and other official notices. Satisfactory arrangements must be made with the Bursar's Office for the settlement of all accounts before a student may register, receive a diploma, obtain a transcript, or have enrollment or degrees conferred/confirmed. The cancellation of a student's enrollment may result if bills are past due and payment obligations have not been met.

Students must make restitution when they are responsible for the loss of or damage to University property or to the personal possessions of others.

7.0 Immunization Requirements

The Ohio Revised Code (ORC) Section 1713.55 states that beginning with the academic year that commences on or after July 1, 2005, an institution of higher education shall not permit a student to reside in on-campus housing unless the student (or parent if the student is younger than 18 years of age) discloses whether the student has been vaccinated against meningococcal disease and hepatitis B by submitting a meningitis and hepatitis B vaccination status statement.

ORC Section 3701.133 states that the Ohio Department of Health (ODH) shall make available on its Web site information about meningitis and hepatitis B, the risks associated with the diseases and the availability and effectiveness of the vaccines. ODH shall also make available, on its Web site, in a format suitable for downloading, a meningitis and hepatitis B vaccination status statement form that complies with the guidelines outlined in ORC Section 3701.133, (B).

On this page (<http://www.odh.ohio.gov/>) you will find an information sheet on each disease (i.e., meningococcal meningitis and hepatitis B infection) and a vaccine status statement that may be downloaded, printed and used if the institution of higher education chooses. The institution may also develop its own form, but any form must comply with ORC Section 3701.133, (B).

Please note that this law does not require vaccination of the student, nor does it require the institution to provide or pay for these vaccines. It required only disclosure of vaccine status of the student.

All full-time incoming first year students receive a packet with an information sheet on meningitis, a medical history/immunization card, and information on services

and health insurance. Students sign and submit an ORC statement on the back of the medical history card. The following is a link to the medical history/immunization card:

<http://www.xavier.edu/health-wellness/docs/medhistcard.pdf>.

8.0 Family Educational Rights and Privacy Act of 1974 (FERPA)

8.1 Basic Policy

In compliance with the Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment or FERPA, Xavier University protects the rights of students and their parents with relation to the accuracy and privacy of their educational records. In accordance with the provisions of this act, Xavier University has established basic policies to prevent the release of any personally identifiable information regarding any of its students, without first having received the consent of the student (or, in some instances, the parent.) In addition, procedures have been established by which a student (or, in some instances, a parent) may request to examine his/her educational records, may challenge any portion of the record, and may request the opportunity to have any inaccurate, misleading, or otherwise inappropriate data deleted or corrected, or may have inserted into the record a written explanation regarding the content of the record.

In the undergraduate and graduate schools of the University, these rights belong to the student. However, the parents of a student who is financially dependent upon the parents (as defined in Section 152 of the Internal Revenue Code of 1954) may have access to the student's record without first obtaining the student's consent.

8.2 Release Policy

To totally prohibit the release of even a student's name or dates of enrollment, for example, would be as much a disservice to students as it would be an imposition on the daily functioning of the school. The law permits certain categories of information to be designated as directory information and to be released without requiring written consent, provided the student (or parents where appropriate) has been notified what information is included as directory information and has been given a specific time to request any such information to be withheld from release.

The University has designated as directory information the following categories:

1. Student's name
2. All addresses (including email) and telephone numbers (of currently enrolled students only)
3. Date and place of birth
4. Any photographs including ALL Card photo
5. Dates of enrollment
6. Number of hours registered and full or part-time status

7. Class standing (first year, sophomore, junior, senior, graduate)
8. Area of academic concentration
9. Diploma or degree awarded
10. Honors or awards received
11. Participation in officially recognized activities and sports
12. Weight and height of members of athletic teams
13. Total hours earned
14. The most recent previous educational agency or institution attended by the student.
15. Announcement of public performances and ceremonies officially recognized by the University

No other personally identifiable information about a current or former student may be released to any person or agency outside the University except by the written, signed, and dated request of the student (or parent where appropriate) specifying the information to be released and to whom it is to be released. At the request of the student (or parent), a copy of the information to be released will be provided when he/she consents to the release. (The Privacy Act provides for a number of exceptions to this rule whereby information may be released to accrediting agencies, certain federal and state authorities, for reason of emergencies related to the health and safety of the student, etc., without notifying the student or parent. A list of such exceptions may be obtained upon request. Emergency release of information may be necessary on approval of an appropriate administrative officer. In addition, notification shall not be given if the student [or parent, where appropriate] has directly made the request for the release of information.) Within the University, certain information within a student's record may be necessary for an individual or an office for which it was not originally collected. Such information may be made available to University officials, including instructors, having legitimate educational interests.

The University shall maintain a record of all individuals or agencies that have requested or obtained access to a student's educational records and the legitimate interest they have in such records. The University shall keep this record as part of the student's total educational record, subject to the same restrictions on release and access. The University shall not maintain records of release of directory information requested directly by the student (or parent where appropriate) or requested by individuals within the school who have legitimate educational interest.

Whenever personally identifiable information about a student is released, the University shall stipulate, in writing, that the person or agency to whom it is released may not transmit such information to another individual or agency without the prior written consent of the student or parent of students below the post-secondary level.

8.3 Maintenance of Records

In maintaining a student's educational record, the University shall collect a wide variety of information, including but not limited to the following: name; address; social security number; phone number; date of birth; sex; ethnicity; marital status; citizenship status; names of elementary, secondary, and post-secondary schools attended with dates and diplomas or degrees earned; activities, awards, and work experiences; parents' names, addresses, phone numbers and occupations; business address and phone numbers; emergency telephone numbers; transcripts; grades received; reports of standardized tests; degree and program evaluations; course evaluations; competency sheets; registration forms; medical forms and records; financial assistance applications; confidential financial statements and eligibility reports; records of student fee payments; student-completed questionnaires; counselor reports and notes; letters of recommendation; placement records; and correspondence.

Letters of recommendation are used as admission documents only. They are not intended nor will they be used for any other purpose.

This information is kept in a variety of offices as indicated below:

- University Registrar
- Alumni Relations
- Student Affairs
- Career Services
- Financial Aid
- Residence Life
- Bursar
- Student Teaching
- Health and Counseling

Detailed educational records, as defined above, are kept no longer than two years after a student terminates enrollment in one of the University colleges and are then destroyed, with the following exceptions:

1. The Registrar's Office maintains student files until graduation. Transcripts are maintained permanently. The Registrar's Office keeps for five years general academic files of students who withdraw from the University before graduation and permanently maintains transcripts of all academic records earned at the University.
2. Alumni Relations maintains directory information on all graduates.
3. Financial Aid maintains complete files until a federal audit has been made.
4. The graduate schools maintain student files until graduation.
5. Residence Life maintains records for five years from the time of residency.
6. The Student Affairs Office maintains records for seven years unless the student has been suspended or expelled from the University in which case disciplinary records may be kept indefinitely.

7. The Bursar's Office retains quarterly financial summaries of student fee payments and individual student files concerning Perkins Loans necessary to meet statutory requirements.
8. The Student Teaching Office permanently retains information files related to professional study: evaluation, notation, etc.
9. Health and Counseling maintains required immunization records and retains all other medical records for five years after a student terminates enrollment.
10. Xavier University Police records may be kept indefinitely.

8.4 Student Right to Access

Students currently or formerly enrolled in the undergraduate or graduate school may request access to their own educational records with the following exceptions:

1. Medical and psychological reports and records are open for review, only as stipulated by HIPAA, although health care professionals may act as a student's agent and review the record for him/her upon the student's request.
2. Confidential letters and statements of recommendation, written before January 1, 1975 and used only for the purpose for which they were obtained are not open for review.
3. Parent's Confidential Statements and eligibility reports are not open for student's review without parental written consent.

Although the rights provided for by the Family Educational Rights and Privacy Act of 1974 belong primarily to the student once he or she is enrolled at a post-secondary level of education, the parents of students who are financially dependent upon them (as defined in Section 152 of the Internal Revenue Code of 1954) may request access to the student's record without the prior consent of the student, with the same exceptions as listed above.

8.5 Waiver of Right to Access

In the following situations, the University shall provide students (or parents, where appropriate) with the means of waiving their right of access to certain limited parts of their educational record for the purpose of preserving confidentiality:

1. Letters of recommendation required for admission.
2. Letters of recommendation collected for a student's credential file in both the undergraduate and graduate colleges to be used in pursuit of employment.
3. Letters of recommendation used in connection with a student's eligibility for honorary recognition.

Whenever a student chooses to waive the right of such access, this limited waiver of the right of access applies to the parents, as well. In all three of the above listed situations, where the student or parent waives the right of

access, the student (or parent, where appropriate) may request notification of the names of persons making recommendations and the University will provide them with such names.

In providing the means of waiving the right of access, the school shall place this option in writing as part of the printed form being used to obtain statements of recommendation. A student shall indicate in writing his/her choice of waiving or not waiving the right of access to this information before the form is given to other individuals to write their recommendations. Once a recommendation has been received, a student may not change his/her decision with regard to waiving the right to access to that recommendation.

8.6 Procedure for Access

To obtain access to any part of a student's educational record, the student (or parent where appropriate) shall be required to submit a written request to the individual in charge of the office that keeps the records in question. An opportunity to examine the student's file shall be provided as soon as possible and no later than 45 days after the date of the initial request. The file must be examined within the office and in the presence of the administrator in charge of the office.

8.7 Procedure for Challenging the Record and Informal Proceedings

Should a student or parent (or another agent acting on their behalf in the case of medical or psychological records) feel that certain information within the educational record is inaccurate, misleading, or otherwise inappropriate, and wishes to challenge such information; the student or parent may request a formal or informal hearing of their objections. The formal hearing request must be made in writing to the official representing the University in whose presence the record is being examined.

This official may offer to hear the objection at that time and thereby attempt to settle the objection in an informal way. Should such official be convinced of the validity of the objections made, they may, at that time, remove incorrect, misleading, or otherwise inappropriate information from the file; correct such information so that it is correct and satisfactory to the person stating the objections; or he or she may insert into the record an explanatory note written by the student or the parent. A summary of the proceedings, objections, and results shall be kept by that office, not in the student's file.

8.8 Formal Hearing

Should the individual hearing the objections not be convinced of their validity and should the person making the objection not be satisfied by the explanations given or by the offer to settle the objection informally, a formal hearing may be held. The student or parent desiring such a hearing shall make a written request to the administrator of that office and shall be contacted to establish a time for the hearing. The hearing should take place no later than three (3) weeks following the written request, providing that school is in session.

Under such circumstances, the objections shall be heard by a group of three (3) representatives of the University, to be appointed by the President or by a designated substitute—none of the representatives to be directly involved with the information under objection. The hearing shall be conducted by one of the representatives appointed to chair the hearing. The student may bring to the hearing another person who may advise but who may not represent him/her. The chairperson shall present the information being questioned and shall give the student (or parent) requesting the hearing a full and fair opportunity to state the objections being made. The student shall, at this time, present any evidence to substantiate his/her objections. The chair shall then request the individual responsible for the information about which the objection has been made to state the rationale for the existing information and defend its validity. The chair shall then give the members of the hearing committee the opportunity to question both parties. The chair shall then invite concluding statements from each party. The objector shall be notified in writing as soon as possible of the committee's decision.

8.9 Record of Hearing

Should their decision be in favor of the objector, deletions or corrections in the student's record shall be made immediately, and a summary of the hearing, the objections and the determinations made shall be recorded in the office where the information objected to is kept in a file, though the account of the hearing shall not appear in the student's record. Should the decision be in favor of retaining the already existing information without change, the record shall be retained as is and a summary of the hearing, the objections and decisions made shall be recorded in the office where the information objected to is kept in a file, though the summary of the hearing shall not appear in the student's record. Once a particular item in the educational record has been challenged and formally heard, a challenge of the same item shall not be heard again.

8.10 Additional Notes

More detailed information concerning the provisions of the Family Educational Rights and Privacy Act of 1974 may be obtained by examination of the act itself, as amended.

For any questions concerning the legal interpretation of the act, the student or parent should consult an attorney.

That information designated by Xavier University as directory information will be individually released without prior consent unless the student (or parent) requests in writing within the first two weeks of enrollment, or in case of emergency, to withhold release. Any such request to withhold release of directory information will apply to all directory information, with one exception. A request may be made to withhold release of address and telephone number only.

Undergraduate and graduate University students should send such a request to the Registrar's Office.

9.0 Drug-Free Schools and Communities Act of 1989

9.1 Purpose

The following information is provided in response to the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), which require that the university show that it has adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The university must certify that it is in compliance with this law in order to receive any Federal funds. The law requires, in part, the annual distribution of the following descriptive statements to each university student and employee. There is no distinction between full-time and part-time or permanent and temporary students and employees.

9.2 Policy

The unlawful possession, use, consumption or distribution of drugs and/or alcohol by students or employees on university property or as a part of any university activity is prohibited. Violators may be prosecuted in accordance with applicable laws and ordinances and may be subject as well to disciplinary actions by the university, in conformance with the Xavier University Student Handbook. Sanctions for violations may include suspension, and/or termination/dismissal, as well as compulsory attendance at drug/alcohol education programs or other appropriate disciplinary measures. (refer to page 48)

9.3 Applicable federal, state, and local laws and sanctions

The following is a description of some of the applicable legal sanctions under federal, state, and local laws for the unlawful possession, use, or distribution of illicit drugs, including alcohol, as of June 1, 2005. This list is not intended to be an exhaustive list of all offenses involving drugs and alcohol, and this material should not be relied upon as legal advice or guidance regarding these offenses.

9.4 Federal law

Federal law prohibits, among other things, the manufacturing, distributing, selling and possession of controlled substances as outlined in 21 United States Code, Sections 801 through 971. Depending on the amount, first offense maximum penalties for trafficking marijuana range from five years' imprisonment and a fine of \$250,000 to imprisonment for life and a fine of \$4 million. Again, depending on the amount, first offense maximum penalties for trafficking other controlled substances (e.g. methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl and fentanyl analogue) range from five years to life imprisonment and fines range from \$2 to \$4 million. First offense penalties and sanctions for the illegal possession of small amounts of controlled substance range from up to one year in prison or a fine of at least \$1,000.

9.5 State law, alcohol

ORC 4301.63 provides that no person under the age of 21 years shall purchase beer or intoxicating liquor.

PENALTY FOR VIOLATION: A fine of not less than \$25, but no more than \$100 may be imposed. The court may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court and shall designate the time within which the public work shall be completed.

ORC 4301.631 provides that no underage person can purchase low alcohol beverages, that no person may furnish low alcohol beverages to an underage person, and that no person shall allow underage persons to consume low alcohol beverages on his/her property.

PENALTY FOR VIOLATION: Punishments for violating ORC 4301.631 range from fines of \$25 to \$250 and imprisonment up to 30 days.

ORC 4301.633 provides that no person shall knowingly furnish any false information as to the name, age, or other identification of any person under 21 years of age for the purpose of obtaining beer or intoxicating liquor for a person under 21 years of age, by purchase or as a gift.

PENALTY FOR VIOLATION: Misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.

ORC 4301.634 provides that no person under the age of 21 years shall knowingly show or give false information concerning his name, age, or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place in this state where beer or intoxicating liquor is sold under a permit issued by the department of liquor control.

PENALTY FOR VIOLATION: Misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.

ORC 4301.64 prohibits the consumption of any beer or intoxicating liquor in a motor vehicle.

PENALTY FOR VIOLATION: Misdemeanor of the fourth degree. The maximum penalty is imprisonment for not more than 30 days and a \$250 fine.

ORC 4301.69(A) prohibits selling beer or intoxicating liquor to a person under the age of 21 years, or buying it for or furnishing it to such a person.

PENALTY FOR VIOLATION: Misdemeanor. The maximum penalty is imprisonment for not more than 6 months and a fine of not less than \$500 and no more than \$1,000.

ORC 4301.69(E) provides that no underage person shall knowingly possess or consume any beer or intoxicating liquor, in any public or private place, unless he is accompanied by a parent, spouse, or legal guardian, who is not an underage person, or unless the beer or intoxicating liquor is given for medical or religious purposes.

PENALTY FOR VIOLATION: Misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.

ORC 4511.19 prohibits any person from driving a motor vehicle while under the influence of alcohol and/or any drug of abuse.

PENALTY FOR VIOLATION: Misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine, in

addition to license suspension. Penalties for repeat offenders can result in up to 5 years in prison.

9.6 State law, drugs

Ohio Revised Code (ORC) Section 2925.02 provides that no person shall knowingly corrupt another with drugs by inducing or forcing them to use a controlled substance.

PENALTY FOR VIOLATION: Mandatory imprisonment from 6 months to 10 years, depending upon amount and type of drug involved and history of previous drug abuse offenses.

ORC 2925.03 provides that no person shall knowingly "traffick" in controlled or illicit substances, including marijuana. Trafficking includes selling, offering to sell, delivering, distributing, preparing, cultivating, and manufacturing of controlled substances.

PENALTY FOR VIOLATION: Mandatory fines range from \$100 to \$20,000, depending on offense and drug involved. Mandatory jail sentences range from 6 months to 10 years.

ORC 2925.11 provides that no person shall knowingly obtain, possess, or use a controlled substance.

PENALTY FOR VIOLATION: Drug abuse involving amounts of marijuana less than 100 grams carries a penalty of \$100. Other violations involving marijuana result in mandatory jail terms of not more than 8 years and mandatory fines of \$15,000. Drug abuse offenses involving other drugs may result in jail terms of up to 10 years and fines of \$20,000.

ORC 2925.12 provides that no person shall make obtain, possess, or use drug abuse instruments.

PENALTY FOR VIOLATION: A first offense can carry a jail term of up to 90 days and fines of \$750.

ORC 2925.14 provides that no person shall knowingly use, possess with purpose to use, sell, manufacture or advertise drug paraphernalia.

PENALTY FOR VIOLATION: Depending upon the facts, imprisonment up to 6 months and fines up to \$1,000.

ORC 2925.31 provides, except for lawful research, clinical, medical, dental, or veterinary purposes, no person with intent to induce intoxication or similar effect, shall obtain, possess, or use a harmful intoxicant.

PENALTY FOR VIOLATION: Up to \$1,000 and 6 months in jail.

ORC 2925.37 provides that no person shall knowingly possess, make, sell, or deliver counterfeit controlled substances.

PENALTY FOR VIOLATION: Depending upon the facts, the penalty can be up to 180 days in jail and a \$1,000 fine, but aggravating circumstances can cause the offense to become a felony of the fourth degree with prison terms between 6-18 months and a fine up to \$5,000.

9.7 Local law

The City of Cincinnati and the City of Norwood enforce all the state criminal statutes cited above. In addition, each of these cities list some additional sanctions for alcohol and other drug use, including without limitation, prohibitions against: driving under the influence of alcohol or drugs;

possession and consumption of alcohol while underage; providing alcohol to underage persons; having an open container of alcohol in public places; possession of a controlled substance; purchasing and consuming low-alcohol beverages by underage persons, using false representations by underage persons to obtain alcohol; permitting the consumption of alcohol by underage persons at a person's property (including hotel rooms), and hosting a party where alcohol or drug abuse occurs.

9.8 Drug and Alcohol Prevention Program

Xavier University is concerned about anyone who struggles with substance abuse. Campus resources and personnel from the McGrath Health and Wellness Center and Psychological Services Center provide substance abuse counseling and referral assistance for students facing problems associated with drug and alcohol abuse. The Centers supervise and run programs that include individual and group oriented workshops, and educational programs and training. The University also has available a number of student organizations that address substance abuse prevention.

Xavier University has an Alcohol and Other Drug (AOD) prevention program based on the 3- tier environmental management model. Students who violate the University's Alcohol and Other Drug Policy are required, when found responsible through the student conduct process, to participate in alcohol/drug education programs. Information and education is provided in group and individual sessions.

Students who are having difficulty with decision-making with regard to their alcohol/drug use or may have been identified to be at-risk are referred to Counseling Services, Health Services, or Psychological Services for assessment, treatment, or referral.

Counseling Service and Health Services
745-3022 - www.xavier.edu/health-wellness
Psychological Services
745-3531 - www.xavier.edu/psychologicalservices

Xavier University

Xavier University maintains authority over student behavior on-campus, and reserves the right to investigate and subsequently to take University action for behavior of Xavier students in off-campus situations when such behavior is believed to have an impact on the surrounding community and its members or the University, and to determine the fitness of the student for continued enrollment. Examples of such behavior include, but are not limited to: all forms of harassment, assault, disorderly and disruptive behavior, damage to property, illegal activity, or action that compromises the University, its vision and values.

The decision to take such action will be determined by the Interim Dean of

Students, or designee. This list is illustrative rather than exhaustive. Students are expected to learn from previous mistakes and poor choices. Therefore, violations of policies and sanctions given in previous semesters may impact the sanctions imposed for future violations throughout their college career.

10.0 Values Statement

Xavier University is based on a Catholic, Jesuit tradition and is committed to supporting the intrinsic value of each human being. This tradition is dedicated to providing students with a caring, supportive, and developmentally enriching environment that focuses on the whole person, influenced by justice and love. Being a member of the Xavier University community is a privilege that carries with it responsibility for the well being of all other members of the community. At Xavier University all members of the community share responsibility for the health and safety of fellow students and for the regulation of student conduct. The standards of student conduct are designed to foster the ethical, developmental, and personal integrity of students and to promote an environment that is in accord with the values of respect for oneself, respect for others, respect for authority, respect for community, respect for property, and respect for University values - honesty and integrity. Choosing to join this community obligates you to act in a manner that is consistent with these principles.

Civility and respect of all individuals is fundamental to the Xavier educational experience. The “power of X” is building respect for self, others, and the world. Violations of this civility statement may be grounds for conduct charges.

11.0 Complicity Statement

Students may be held responsible for being present during a violation of the Code of Student Conduct. It is the responsibility of any and all students to make a prudent choice when he/she becomes aware of a code violation. Those choices include: 1) leaving the situation immediately; 2) advising those in violation of the Code to cease behavior and then leave the situation immediately thereafter; or 3) stay and be charged with a violation(s) of the Code of Student Conduct.

12.0 Academic Honesty

The pursuit of truth demands high standards of personal honesty. Academic and professional life requires a trust based upon integrity of the written and spoken word. Accordingly, violations of standards of ethical behavior will not be tolerated at Xavier University. These include theft, cheating, plagiarism, illegal downloading, unauthorized assistance in assignments and tests, unauthorized copying of computer software, the falsification of results and material submitted in reports or admission and registration documents, and the falsification of any academic record including letters of recommendation.

http://www.xavier.edu/registrar/catalogs/2009-2010_program_bulletin.html See catalogue for full statement on academic honesty.

Behaviors incompatible with these standards are subject to student conduct procedures. Although the University has listed the types of infractions that are most common in collegiate settings, the University is not limited to the conduct in these procedures and may initiate student conduct procedures for conduct that is not included therein.

13.0 Code of Student Conduct

In developing responsible students, the University puts primary emphasis on example, guidance, and counseling. At the same time, student conduct procedures play a role in this process by holding students accountable to the standards of this community.

13.1 Respect for Authority – Xavier University accepts its duty to develop policies and procedures that provide for a safe and comfortable environment for all members of its community. University administrators and staff are responsible for creating and maintaining an orderly environment. Members of the community also share responsibility for supporting the University's efforts to preserve an environment that contributes to the overall mission of the University. In order to properly identify oneself as a member of the Xavier community, students must carry their ALL Card at all times.

Examples of behaviors in violation of respect for authority are, but are not limited to:

- a. Failure to comply with the directions of University staff/officials acting in the performance of their duties and/or failure to properly identify oneself by presenting an ALL Card to these persons when requested to do so. This includes resident assistants, faculty, staff and administrators, student employees and graduate assistants.
- b. Violation of the University's published policies, rules, or regulations regarding on and off-campus living.
- c. Violation of federal, state, local laws, and ordinances.
- d. Obstruction of or providing false information in an official University investigation or proceeding.
- e. Impersonating a University official.

13.2 Respect for Oneself – The University values all of its students and is concerned about each student's total development. The University encourages students to take advantage of the resources available to them to enhance the quality of their lives while expecting them to assume responsibility for their personal well-being. An example of a behavior in violation of respect for oneself is: Use, possession, or distribution of alcoholic beverages except as expressly permitted by the law and the University Alcohol Policy and Campus Alcohol Procedures. It should be understood that the effects of alcohol do not relieve individuals of their responsibility to themselves or to the community.

Examples of behaviors in violation of Respect for Oneself are, but are not limited to:

- a. Violation of the alcohol policy

The full copy of this policy can be found as a link to the Interim Dean of Students' website:

<http://www.xavier.edu/deanofstudents/>

- b. Use, possession, or distribution of narcotics or other controlled substances.
- c. Physical abuse, or harming oneself, or intentionally placing oneself in danger.
- d. Offering sexual favors in exchange for some benefit.
- e. Gambling, the sponsoring of illegal pools, and the sale of lottery tickets.

13.3 Respect for Others – True to its Jesuit ideals, the University believes that each person has worth and dignity. Members of the Xavier community are expected to demonstrate a mutual respect and concern for others. Students should learn to accept, recognize, and appreciate those who are different from them and to act in a manner that helps create a strong sense of community and acceptance.

Examples of behaviors in violation of respect for others are, but are not limited to:

- a. Any form of sexual contact or conduct with another person without consent of that person (See Sexual Misconduct Charges on page 62 for more specific information)
- b. Sexual harassment, including any behavior which does or could result in emotional or physical discomfort, embarrassment, ridicule, or endangerment whether intentionally, for fun, or by consent, including online communities
- c. All forms of harassment, physical abuse, verbal abuse, threats, intimidation, coercion, pressure, stalking and/or conduct which threatens or endangers the health, sense of security or safety of any person, including social media and online communities.
- d. Hazing-like activity, including any behaviors that endanger the mental or physical health or safety of a person for the purpose of initiation, or as a condition for membership or acceptance in a group or organization.
- e. Making false fire or other emergency reports and/or misuse of fire safety equipment.

* Refer to the harassment code for further examples: The full copy of this policy can be found as a link to the Interim Dean of Students' website:

<http://www.xavier.edu/deanofstudents/>

13.4 Respect for Property - The University devotes significant resources to provide excellent facilities, equipment, services, and space for student use. It is the responsibility of all members of the community to take proper care of University property. The University expects students to respect property both inside and outside of the Xavier community.

Examples of behaviors in violation of respect for property are, but are not limited to:

- a. Engaging in arson or the irresponsible use of fire, or fire safety equipment.

- b. Engaging in the theft, misuse, vandalism, or damage to University, group, or personal property or the property of an establishment contracted for use by the University.
- c. Theft of or tampering with computer equipment, including unauthorized entry or use, alteration of information, or misuse of records. For more complete information, please refer to the Policy for Responsible Use of Computing and Communications Technologies on-line as a link to the Interim Dean of Students' website:
<http://www.xavier.edu/deanofstudents/>
- d. Engaging in the unauthorized entry, trespassing or tampering with respect to University premises, facilities, or properties.
- e. Engaging in the unauthorized possession, duplication, or use of University keys and ALL Cards.

13.5 Respect for University Values: Honesty and Integrity – As members of a Jesuit, Catholic institution, it is the responsibility of all students to conduct themselves according to the values within the University Mission Statement, and to develop personal characteristics of honesty and integrity in all aspects of their lives. Students are expected to abide by the University policies and procedures and to obey laws enacted by the federal, state, and local governments.

Examples of behaviors in violation of respect for university values are, but are not limited to:

- a. Engaging in any acts of dishonesty, including cheating, plagiarism, fabrications, or assisting others in doing so. Issues of academic dishonesty are normally handled by the faculty member or dean of the student's college of enrollment with the assistance of the Student Affairs office when requested.
- b. Providing false information or identification to a University official.
- c. Failing to provide, upon request to a University official, the Xavier University ALL Card which is the property of the University.
- d. Engaging in forgery, alteration, or misuse of University records, documents, instruments, or identification.
- e. Downloading music, video, or other protected electronic media without documented permission from the licensed agency.
- f. Students may be held responsible for being present during a violation of the Code of Student Conduct.

13.6 Respect for Community – By virtue of the Xavier University mission and its commitment to fostering a safe, caring, and supportive learning environment for students, the University expects of every student that they are respectful of all individuals. Living in community means that every student must be mindful of, sensitive to, and respectful of behaviors that may be offensive to others, both on and off campus. This is true regardless of whether a student lives on or off campus.

Examples of behaviors in violation of respect for community are, but are not limited to:

- a. Violations alleged or convicted of local, state, or federal law whether on University premises or off-campus when such violation of the law has or

- may have an adverse impact upon the University community.
- b. Disorderly, lewd, indecent, or obscene conduct on or off University premises or at University sponsored or supervised activities including, but not limited to academic classes and activities.
 - c. The possession or use of firearms, explosives, fireworks, dangerous chemicals or other threatening weapons or devices of any description for any purpose including replicas.
 - d. Public urination
 - e. Violations of the Residence Life Policies
 - f. Violations of the Standards for Off Campus Living

14.0 Standards for Off-Campus Living

These are the standards Xavier University will enforce to maintain the quality of student life off-campus.

Students are living as residents of long established neighborhoods, which have abiding interests in maintaining property values and quality of life. These neighborhoods have a proper expectation that all of their neighbors, including students, should act to protect the aesthetic and property values of the community. The University also has an interest in maintaining the quality of the surrounding areas. In general, act the way you would in a neighborhood in which you would like to own property.

Students are expected to maintain their residence, both inside and outside, in an appropriate manner (i.e., trash-free, no old or battered furniture outside, no empty beer kegs) and should reflect the standards and expectations of on-campus residential living.

Maintain the yard and outside areas. Remove boxes from move-in within a reasonable period of time. Make sure the lawn does not become overgrown. Work with your landlord to keep the property maintained.

If you own a car, be considerate in your parking habits. Park in front of your own home, if possible. Do not park in front of other homes for long periods of time as the neighbors are entitled to have their own parking space. City law prohibits parking on lawns.

If you have a party or gathering, be considerate of how it affects the neighborhood. Ensure that music, voices, and other noises do not disturb the normal life of the community. Limit the event to your own living space. Tell your neighbors in advance that you will have a party, provide a means of contact during the party (telephone number), and follow-up with them afterwards.

Be aware of your responsibilities and ensure that your guests know theirs. Be aware that you may be liable for the actions of your guests. Contact local police (Cincinnati or Norwood Police Departments) if you need help controlling your party.

15.0 Official Warnings for Off-Campus Parties and Disorderly House

Official warnings and other types of conduct sanctions may be applied to Xavier University student residents of an off-campus property where the Standards for Off-Campus Living have been violated. If a resident(s) of the reported off-campus house has documentation from a credible source that they were not present at the time of the violation occurrence, that person(s) may not be held responsible. Documentation must be submitted to the Interim Dean of Students to determine if it will be accepted and the final decision will be that of the Interim Dean of Students. Otherwise, progressive sanctioning will be employed noting that an official warning is for a specified period of time and the violation will become part of the student's conduct file.

16.0 Suggestions for Good Neighbor Relations

These are suggestions Xavier offers students to improve the quality of life off-campus for students and their neighborhoods.

The neighborhoods around campus are communities in which everyone living there shares responsibility for each other's safety. If students witness or find out about dangerous or unlawful activities around their homes, they should report it to the authorities as any resident would. By dialing 911, emergency service is only a phone call away. Cincinnati Police District 4 can be reached at 352-3576; and Norwood Police at 396-8221.

Students are encouraged to introduce themselves to their neighbors. Likewise, they are encouraged to involve their neighbors in campus activities. Let them know what games, concerts, or other events are scheduled and bring them with you.

Students are also encouraged to involve themselves in their community's activities. Attend community council or association meetings and other activities when possible.

Know your rights and responsibilities under the Ohio Tenant-Landlord Law found in the Xavier Renter's Guide on the Commuter Services Commuter and Off Campus Resources page: <http://www.xavier.edu/commuter/resources.cfm>.

17.0 Procedures for Neighbors to Make a Complaint about Off-Campus Disturbances

1. Complaints should be called into Xavier Police to generate a complaint record (745-2000 for non-emergencies/ 745-1000 for emergencies).
2. Xavier Officers will respond to complaints by members of the communities surrounding the University.
3. When making a complaint, please furnish as much information as possible. Xavier Officers should know the address of the house at which the disturbance is taking place, or license plate numbers if there are parking violations involved.
4. Complaints should be registered with Xavier Police at the time the disturbance is occurring. Depending upon the nature of the complaint, you may also wish to call either Cincinnati Police at 352-3576, or Norwood Police at 396-8221.
5. When a complaint has been registered and recorded by Xavier, actions will be

taken as stated above. Normally, if they respond to a disturbance they will speak to responsible parties at the address and advise them a complaint has been received. At the Officer's discretion, and if warranted, a request may be made to terminate the event.

18.0 UNIVERSITY CONDUCT SYSTEM

The Xavier University Conduct System makes decisions based on a preponderance of evidence (a more likely than not standard.) Operating within the context of the University's mission and the Jesuit tradition, the University Conduct System seeks to educate students so that the behavior will not be repeated. Students who are found responsible for violations of the Code of Student Conduct will be expected to comply with any associated sanctions or consequences.

18.1 Reporting Incidents

Students, faculty, or staff who believe they have been a recipient, a participant, or a witness to the violations of the Code of Student Conduct by a student as outlined above, are encouraged to report the incident(s) to an appropriate University authority. These include:

- Xavier University Police 513-745-1000 (emergencies)
513-745-2000 (non-emergencies)
- Residence Life 513-745-3203
- Interim Dean of Students 513-745-3203
- Advocate Program 513-745-1000
(harassment, sexual misconduct, assault, rape, stalking)

All complaints are considered serious and will be investigated. Retaliation toward a complainant is unacceptable and may result in new or additional charges being brought against the respondent. Disciplinary action will be taken in all cases where there is a finding of responsibility through the conduct process.

18.2 Administrative Authority

There are a variety of mechanisms in place where conduct measures occur. Ultimate University authority and responsibility in cases of student conduct reside with the President of Xavier University. The President has delegated immediate authority for student conduct, under the general supervision of the Associate Provost for Student Affairs, to the Interim Dean of Students.

In cases involving student conduct on or off-campus, the Interim Dean of Students, or designee, may decide to hear a case and/or refer it to an administrator who officially functions as an Administrative Hearing Officer of the University, to the Peer Review Board (PRB), Club Sports Council, the University Conduct Board (UCB). If the results of a case are appealed, the Interim Dean of Students or designee will refer it to an Appeal Officer or Board.

18.2.1 Administrative Hearing

The Administrative Hearing Officer determines whether or not there has been a violation of University policy. The Administrative Hearing Officer is the

Xavier University representative assigned to process an alleged conflict with the Code of Student Conduct. The student's rights remain the same whether or not the student receives an administrative hearing or a hearing before a Board.

Administrative Hearing Officers, appointed by the Interim Dean of Students, or designee, are trained Student Affairs professionals granted the authority to impose all levels of University sanctions with the exception of suspension or expulsion from the University. The Associate Provost for Student Affairs and the Interim Dean of Students may function as Administrative Hearing Officers and have the authority to impose all levels of University sanctions including suspension and expulsion from the University.

During an administrative hearing, the charged student meets one-on-one with an Administrative Hearing Officer. These meetings are designed to be educational, with the Administrative Hearing Officer sharing the written documentation that formed the basis of the disciplinary charges. The Administrative Hearing Officer opens a dialogue with the charged student by asking questions related to the incident and his or her understanding of community standards and University policy.

The Administrative Hearing Officer weighs all the information presented and determines whether it is more likely than not that the student violated the Code of Student Conduct (preponderance of evidence standard.) If the Administrative hearing Officer makes a finding of responsibility, he/she will determine the appropriate sanction and notify the student of the decision.

18.2.2 Peer Review Board (PRB) (administered by the Office of Residence Life)

This Board hears cases of a less serious nature that take place either on or off-campus. It is comprised of students (peers) and is advised by a Student Affairs administrator(s). The Peer Review Board (PRB) makes recommendations to the Advisor(s) on sanctions to be levied should the charged student(s) be found responsible. This Board makes recommendations to the Advisor on sanctions to be imposed on students who are found responsible up to University probation, recommendations to the Director of Residence Life for removal from University-owned housing, and recommendations to the Interim Dean of Students for suspension or expulsion from the University.

The Peer Review Board (PRB) will make decisions regarding responsibility based on the information presented at a hearing and will make recommendations of sanctions, if any, to the Advisor, based upon that information, as well as prior student conduct violations for which the student was found responsible. If any new information emerges during the course of a hearing that could warrant additional or more serious allegations, the

hearing may be suspended and referred to the University Conduct Board (UCB).

The communication regarding the outcome of the hearing and sanctions levied will be through the advisor(s) to the charged student(s). The review of an appeal is conducted by the Director of Residence Life, or designee, for students who live in University owned and operated housing and by the Interim Dean of Students, or designee, for students who live off-campus.

1. Membership

The Board is composed of students, from both on and off-campus residency, selected by the Office of Residence Life in consultation with the Interim Dean of Students for a one (1) year term. Any member can be reappointed.

2. Chair

The Chair is a student who has been selected to serve on the Peer Review Board (PRB) and is elected by the membership of the Board in consultation with the Advisor(s) to the Board. The Chair is a non-voting member, except in the case of a tie.

3. Training

Training for the Peer Review Board (PRB) will be conducted by the Advisor(s) to the Board. The Advisor(s) will also provide advice and feedback to the Board hearing each case.

4. Quorum

A quorum of at least four (4) members, plus the Chair must be present for a case to be reviewed. The Advisor(s) must also be present throughout the hearing and deliberation process. If quorum is not met, the case may be referred to the Director of Residence Life, the Interim Dean of Students, or rescheduled for a time when a quorum is present.

A. Administrative/Peer Review Board (PRB) Hearing Procedures

A student charged with a policy violation will be notified in writing prior to the hearing of the date, time, and location of the hearing, all alleged violations, and the range of possible sanctions associated with the violations, and will also receive copies of all documentation to be presented at the hearing. The University will redact FERPA protected information.

If a student chooses to accept responsibility for a violation(s) of the Code of Student Conduct he/she may choose to waive an administrative or board hearing but must also accept any sanctions imposed without the right to an appeal.

18.2.3 The University Conduct Board (UCB)

This Board has equivalent authority to that of the Interim Dean of Students

and hears cases considered to be of the most serious nature. This Board is composed of students, faculty, and administrators with sanctioning authority up to, and including dismissal from the University. The Board will make decisions regarding responsibility based on the information presented at a hearing and will make recommendations of sanctions, if any, to the Interim Dean of Students based upon that information, as well as prior student conduct violations for which the student was found responsible. Each member of this Board will receive training annually. The review of an appeal is conducted by the Associate Provost for Student Affairs, or designee.

1. Membership

The University Conduct Board (UCB) consists of eight (8) faculty members recommended by the Faculty Committee, four (4) administrators recommended by the Associate Provost for Student Affairs and ten (10) students recommended by the Student Government Association.

2. Chair

The Associate Provost for Student Affairs recommends the Chair from the current membership, to the President. The Chair is a non-voting member except in cases of a tie.

3. Quorum

For the purpose of reviewing any case, six (6) members (two members from each constituency), plus the Chair, or designee, will constitute a quorum.

The hearing will be conducted in accordance with the procedures outlined below:

1. The hearing will be closed to everyone except those persons specifically provided for in this procedure or persons whose presence at the hearing is authorized by the individual or Board responsible with conducting the hearing under the Administrative Authority section (Administrative Hearing Officer or Board).
2. Since the purpose of the hearing is to determine the facts and define appropriate action that will best suit the student's developmental process, there will be no representation by legal counsel.
3. A scheduled hearing may proceed in the absence of the respondent student(s) or any other involved individuals who fail to appear. An absence will not be considered grounds for an appeal. If a student(s) cannot attend the hearing due to a scheduled class that conflicts with the hearing, the student(s) is responsible for requesting a new hearing within one (1) business day of receiving notification of the hearing. Other types of scheduling conflicts must be pre-approved by the Interim Dean of Students, or designee, prior to the hearing, but generally only class related conflicts will be considered.
4. Where two or more student conduct cases involving common occurrences or involving the same student(s) are pending simultaneously, a group hearing may be held.

5. The Administrative Hearing Officer or Board Chair may reasonably limit the scope and time devoted to each case or item of discussion during the hearing, as well as the number of persons testifying or providing witness material. Specifically, corroboration provided by witnesses shall be allowed where appropriate, but repetitive testimony, discussion or witness material may be limited.
6. At the beginning of the hearing the student(s) will be advised of his/her rights.
7. Student conduct proceedings are not governed by the Ohio Rules of Evidence or the Federal Rules of Evidence. The Administrative Hearing Officer or Board finds responsibility by a "more likely than not" standard (preponderance of evidence standard.)
8. If a student(s) is found to be responsible, the Administrative Hearing Officer or Board will review and will take into account any previous record of student conduct in determining a sanction. A student's record of student conduct follows him/her throughout his/her college career. After graduation, educational institutions such as law and medical schools, potential employers, may also contact the University to verify any disciplinary history. This could determine or impact acceptance or hire.
9. Written notice of the outcome of the hearing, and information about the appeal process, will normally be provided to the respondent within five (5) business days to the student(s) charged with violation of the Xavier University Student Code of Conduct. In the case of sexual assault, both the complainant and the respondent will be notified of the outcome of the student conduct proceedings as per the Jeanne Clery Act of 1998.

*At the sole discretion of the Interim Dean of Students, and for justifiable reasons, time (business day) requirements may be waived or modified.

A. Protocol for Audio Recordings

1. All conduct cases heard by the University Conduct Board (UCB) will be audio recorded for the purpose of accurate record of the proceedings;
2. Recordings of a hearing, authorized by the Interim Dean of Students, will be maintained as part of the respondent's file in the Office of Student Affairs for not less than seven (7) years following the hearing;
3. The recording will be made available to an administrative appeal officer or board should an appeal request be accepted on one or more of the four (4) criteria for appeal;
4. One (1) copy of the recording of the hearing will be made available to the respondent upon request;

5. A charge of \$25 per additional copy will be assessed should there be a request for additional copies;
6. Copies of recordings will only be made available and released to the respondent as it is that student's hearing and is part of that student's educational record which is protected by FERPA;
7. Recordings will not be transcribed by Xavier University. Should transcribed copies be desired, it will be the responsibility of the respondent for having the recording transcribed at his/her own expense.

18.2.4 Club Sports Council

This is a governing body comprised of one student representing each sport club. This council will meet as a whole to give direction, hear reports, and share information related to each member's own club or organization.

A. Executive Peer Review Team

This Team is elected by the CSC body as President, Vice President, Secretary, and Treasurer and the Assistant Director of Recreational Sports will select four additional members of the CSC to join the EPRT bringing the group to a total of eight.

B. Responsibility of the EPRT

Should incidents of unsportsmanlike conduct, behavior unbecoming of a sport club member, other incidents related to club sport policy infractions occur, this peer review team hears the case. The Assistant Director, or designee, facilitates the process. The Executive Peer Review Team will make recommendations to the Director regarding sanctions up to and including probation, freezing budgets, suspension, or expulsion of an individual or team from the club sports participation. The EPRT may also recommend to the Interim Dean of Students that additional University sanctions be taken against any individual or club sport organization based on the severity of the incident. Review of a request for an appeal is determined by the Interim Dean of Students, or designee.

C. Advisor

The Assistant Director of Recreational Sports will act as the advisor to the Club Sport Council as well as the Executive Peer Review Team. The advisor will research incidents and report the finding of facts to the EPRT and they will provide the complaint and organize the hearing.

D. Hearing

The hearing will be conducted in accordance with the procedures outlined on page 26 of the Student Handbook, under the title of 18.2.3 University Conduct Board.

18.2.5 Appeal Officer or Board

When an appeal is sought, a decision to review a request for an appeal will be made by the next highest level of administrative authority. An

administrator may, however, refer the appeal to an appeal board if he or she feels that he or she may not be able to be unbiased, or that the appeal would be best heard by a group of people who have been educated about Xavier's judicial procedures. Additionally, the respondent may request that a Board hears the appeal (instead of an individual administrator). The board consisting of three (3) individuals (student, faculty, and administrator) will be convened at the earliest convenience at the discretion of the Interim Dean of Students or designee. The decision of the Appeal Officer or Appeal Board will be the final decision related to the case.

18.3 Student Rights

The University Conduct System is a student conduct process for educational and developmental purposes; it is not an adversarial criminal or civil legal process. The rights and procedures required in such legal systems are not applicable in the student conduct process. The policies and guidelines of the University Conduct System are intended to preserve fundamental fairness, which includes a right to notice and a chance to air grievances, but shall not include a right to an attorney or any other rights not enumerated below.

A. Respondent Rights

A student against whom a complaint has been made within the University Conduct System, the respondent, has the following rights:

1. The student has the right to receive all available written documentation pertinent to the alleged violations against him/her, a list of the members of the hearing board, a combined list of witnesses identified by the complainant and the respondent, and the range of sanctions for such violations at least 3 business days prior to the hearing. The university will redact FERPA protected information.
2. The student has the right to receive advance notice of the hearing (2 business days), including the date, time, and location of the hearing. Not less than 2 business days prior to the scheduled hearing, a student may request in writing a hearing date change based on extenuating circumstances (see page 27).
3. The student has the right to request the dismissal of a hearing board member with valid reason. This request is to be made to the Interim Dean of Students, or designee, 2 business days prior to the scheduled hearing. If the hearing is handled administratively or by the Peer Review Board (PRB), accommodations for dismissal of a Board member or Administrative Hearing Officer may be handled immediately or the hearing rescheduled with membership acceptable for the student.
4. The student has the right to be present throughout the hearing but not during the deliberation of the Administrative Hearing Officer or Board.
5. The student has the right to remain silent, but must understand that if silence is maintained, the outcome of the hearing will be determined on the information presented. The Administrative Hearing Officer or Board may not draw any inference from a student's choice to remain silent.
6. The student has the right to respond to the allegations against him/her.
7. The student has the right to hear all of the information presented and to question witnesses who testify at the hearing. Special arrangements

can be made to obtain written responses to questions in order to protect the emotional state of a complainant if documented by a mental health professional.

8. The student has the right to present pertinent information and witnesses to substantiate his/her position. Witnesses must be present at the hearing and their lack of attendance is not cause for appeal. If a witness has a conflict approved in advance by the Interim Dean of Students, a written statement may be introduced at the hearing.
9. The student has the right to be assisted in all matters within the University Conduct System by a current member of the Xavier community (student, faculty, or staff member). The advisor role is to help a student prepare his/her position, but not to present it or speak for or on behalf of the respondent at the hearing. The advisor may attend the hearing. Because the University Conduct System is not an adversarial legal process, the advisor may not be an individual who has specialized legal training, including someone possessing a Juris Doctor degree, or other legal degree, even if such person is a member of the Xavier community and does not currently practice law.
10. The student has the right to submit a request for appeal of the decisions of either an Administrative Hearing Officer or Board. This request must be made as described in the section titled "Appeal Process," (page 36) and will only be considered for the reasons stated therein.

B. Complainant Rights

An individual, who registers a complaint and acts as the complainant within the University Student Conduct System against a student (the respondent) for an alleged action that personally adversely affected the complainant, has the following rights:

1. The complainant has the right to receive advance notice of the hearing, including the date, time, a list of members of the hearing board, a complete list of witnesses for both the complainant and the respondent, copies of all available documentation, and the location of the hearing 3 business days prior to the scheduled hearing. The University will redact FERPA protected information.
2. The complainant has the right to hear all of the information presented and to question the respondent and witnesses who testify at the hearing.
3. The complainant has the right to present pertinent information and witnesses to substantiate his/her position.
4. Generally, a complainant does not have a right to learn the outcome of the hearing. However, a student will be notified of the outcome of the hearing when the alleged violation is physical assault, sexual assault, stalking, or rape.
5. When the alleged violation is Respect for Others against the respondent, the complainant has the right to submit a request for appeal of the outcome of the hearing. The request must be made as described in the section titled "Appeal Process," (page 36) and will only be considered for the reasons stated therein.

6. In the case of alleged sexual violence, the complainant has the right to request to be separated from the accused during the hearing. This request can be made prior to the hearing on the grounds that being in the presence of the respondent may heighten post-traumatic stress symptoms and/or an experience of being re-victimized. The complainant's request will be accommodated at the sole discretion of the Administrative Hearing Officer or Board, so long as the student's rights to hear all information presented and confront all witnesses who testify at the hearing are preserved. For example, the complainant may be separated by a barrier wall from the Administrative Hearing Officer or Board and the respondent. The parties may communicate with each other, without being in close proximity to one another. Further, a complainant has three (3) choices as to the level of involvement in the hearing process:
 1. fully engaged – the complainant may question the respondent and witnesses, tell her/his story, and make an impact statement
 2. not fully engaged – the complainant may serve as a witness, answer questions, but not ask questions, and make an impact statement; and
 3. elect for the University administrator presenting the case to read a statement the complainant has written which may include an impact statement
7. A complainant of any crime of violence or a non-forcible sex offense will be given notice of the final result of any hearing proceeding with respect to that crime. (See Permissible Disclosures on page 42.)

C. Hearing Provisions

1. An individual who registers a complaint, but elects not to act as the complainant within the University Conduct System against a student for an alleged action that personally adversely affected that individual has the following rights:
 - a. The individual has the right to be assisted in all matters within the University Conduct System by a current member of the Xavier community (student, faculty, or staff member). The advisor role is to help the individual prepare his/her position, but not to present it. Because the University Conduct System is not an adversarial legal process, the advisor may not be an individual who has specialized legal training, including someone possessing a Juris doctor degree, or other legal degree, even if such person is a member of the Xavier community and does not practice law.
 - b. A complainant of any crime of violence or non-forcible sex offense will be given notice of the final result of any hearing proceeding with respect to that crime. (See Permissible Disclosures on page 42.)

2. Admission of Responsibility

If a student admits/accepts responsibility during the investigation, the Interim Dean of Students or designee has the discretion to waive the hearing process and administer sanctions or proceed with the hearing. If

the hearing proceeds, the University may call witnesses but the respondent waives the right to present witnesses.

3. Change of Hearing

Both the complainant and the respondent have the right to request that a hearing date, time, and location be changed. Should both parties request a change to the originally scheduled hearing, the request from the respondent will take precedent over that of the complainant.

4. Continuances:

If a hearing is in process and the respondent or the complainant feels he/she needs additional time to prepare for the case, he/s she may request a continuance of no more than five (5) business days for good cause. The Interim Dean of Students or designee has the discretion to deny or grant the request.

5. Witnesses:

A representative of the Interim Dean of Students will present the case and call witnesses on behalf of the University. Both the complainant and the respondent may identify witnesses to be called by the representative of the Interim Dean of Students for the University Conduct Board (UCB), Peer Review Board (PRB), and administrative hearings. Any such witness must be identified in writing to the Interim Dean of Students or designee at least five (5) business days prior to the hearing. Only witnesses with knowledge directly related to the pending charges may testify at the hearing. Witnesses may be dismissed from the hearing if testimony is based on opinion or perceived character alone.

- One written statement on the character of the respondent/complainant can be submitted to the Interim Dean of Students or designee 48 hours prior to the hearing, which will be read at the hearing.
- The Interim Dean of Students or designee will provide the complainant and respondent with the names of the witnesses at least five (5) business days prior to the hearing. The University reserves the right to call all individuals on the combined witness list (complainant and respondent). In addition to the hearing board, both the complainant and the respondent may question each witness called. Witnesses listed for both the complainant and the respondent may testify on behalf of either individual.

18.4 Violation of Law and University Policy

Violations of the Student Handbook are sometimes also potential violations of criminal law. The University acknowledges that simultaneous adjudication of a student conduct matter and a criminal case may make the criminal case more difficult for a student to defend or for the prosecutor to prosecute.

The University reserves the right to initiate or proceed with the disciplinary process against a student, regardless of any pending criminal investigation, charges, arrest, or prosecution arising out of the same or a related factual situation. At the

discretion of the Interim Dean of Students, or designee, disciplinary proceedings may be carried out prior to, simultaneously with, or following any related criminal matter. The dismissal, failure to prosecute, settlement or reduction in charges of any related criminal matter shall not be grounds for a challenge to any student conduct matter.

A student who is the subject of a criminal investigation or case arising out of the same or a related set of facts to a pending student conduct matter may be given the option to postpone the student conduct process pending the final outcome of the pending criminal investigation and/or charges. The University's decision to offer this alternative shall be made only at the initiative of and at the sole discretion of the Interim Dean of Students, or designee. In exchange, the student is required to withdraw immediately as a student from Xavier and agrees not to appear on-campus for any reason without written documentation from the Interim Dean of Students, and must be accompanied by an official escort. At the culmination of the criminal proceedings, the student may petition the University to be reinstated as a student. However, the University reserves the right to deny reinstatement for any reason, even if the student is fully exonerated or the charges are dismissed. If the petition is granted, the University may pursue the postponed student disciplinary process, even if the student was fully exonerated or the criminal charges were dismissed. In most cases, the petition will only be accepted if the student has been fully exonerated from all criminal charges or the charges were dismissed.

Because different processes and rights are at stake in a civil case, the University typically will not provide a student this same option. However, in exceptional circumstances, the Interim Dean of Students, or designee, has the sole discretion to make such a decision.

The Interim Dean of Students, or designee, reserves the right to request police reports or records for submission to a student's conduct file for review.

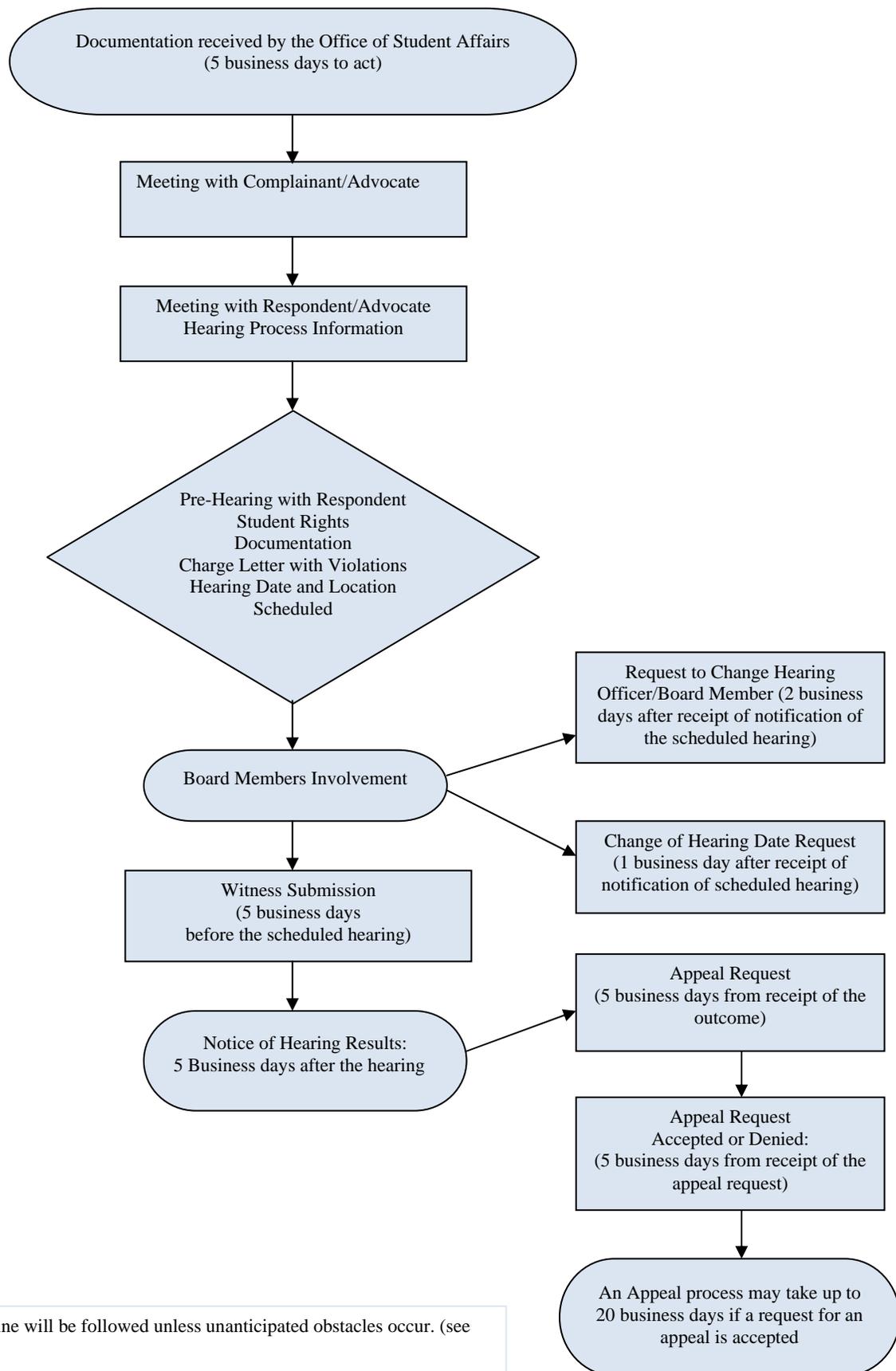
18.5 University Response to Police Citations Issued to Xavier Students

When information is received from the Xavier Police Department, the Cincinnati Police Department, or the Norwood Police Department, or other police entities, about misdemeanor or criminal citations that have been issued to a Xavier University student(s), University conduct charges may also be levied as the University conduct process is educational and developmental, not punitive.

18.6 University Authority in Cases Occurring Off-Campus

In addition to its authority over student behavior on campus, the University reserves the right to investigate and to subsequently take University action for behavior of Xavier students in off-campus situations when such behavior is believed to have an impact on the surrounding community or the University, or to reflect on the fitness of the student for continued enrollment. Examples of such behavior include, but are not limited to, all forms of harassment, assault, disorderly and disruptive behavior, and damage to property. The decision to take action in such cases will be determined by the Interim Dean of Students or designee (see Standards for Off-Campus Living below.)

University Conduct Board Process



The process and timeline will be followed unless unanticipated obstacles occur. (see page 34 for details)

18.7 Appeal Process

A student has the right to appeal the decisions of either an Administrative Hearing Officer or a Board. Appeals are not re-hearings and they are not granted on the basis of disagreement with the decision of the hearing, nor will failure to attend the hearing be grounds for granting an appeal.

Upon receipt of the outcome of the hearing, a student has five (5) business days to file a written request for an appeal. Appeal forms may be obtained on the Interim Dean of Students' website: <http://www.xavier.edu/deanofstudents/> or in the Office of Student Affairs, Gallagher Student Center, (GSC) 300.

A request for an appeal and a subsequent review will only be granted for the following reasons:

1. There is a denial of the elements of a fair hearing (student rights).
2. The finding is not supported by the evidence.
3. The sanctions imposed can be shown to be arbitrary or capricious.
4. There is new information to present that was not available at the time of the hearing, and that may have a bearing on the original decision.

The appeal request must state which of the above reasons justifies granting the request for appeal with sufficient evidence. The appeal request must also provide information regarding facts and circumstances that support granting an appeal.

The Appeal Officer or Board designated to conduct a particular appeal will have the discretion to evaluate each written request to determine if the appeal request will be granted or denied. The Appeal Officer or Board will determine whether or not to grant or deny the appeal request based on the following standard: Does the appeal provide sufficient justification of one of the four reasons set forth in the Student Handbook?

If the appeal request fails to provide sufficient support for granting the appeal request for one of the above-stated reasons, the requesting student will receive written notification within five (5) business days stating that the appeal request is denied, and stating that the original decision and sanction(s) will remain in effect. The same notification will be sent to the non-appealing complainant or respondent, if applicable.

If the written appeal request provides sufficient justification of at least one of the four reasons stated above, the appeal request will be granted. The student will receive notification that includes: a) an explanation that granting the request for an appeal means that the appeal will be conducted and does not mean any conclusions have been made as to the merits of the appeal; b) a general description of how the appeal will be conducted, including any times and dates which the student must comply; c) a request for written statements if the Appeal Officer or board desires such statements; d) at least a general timeline that includes due dates, if any, dates for meetings, if possible, and timeline for making a determination. The Appeal Officer or Board will review all documentation pertaining to the case to

determine the appropriateness of the decision and sanction(s) rendered in the original hearing. Any decision of the Appeal officer or Board will be final pertaining to the case. The same notification will be sent to the non-appealing complainant or respondent, if applicable.

In conducting the appeal, the Appeal Officer or Board will consider the materials used in the hearing, any transcript from the case hearing, and any recording of the hearing. An Appeal Officer or Board will also consider the written request for an appeal, any additional information it accepts for the hearing, and any written statements it solicits from the complainant and respondent. The Appeal Officer or Board will give deference to the original decision-maker and will only change the outcome for good reason.

18.8 Appeal Meeting

While an appeal request is generally granted or denied on the written documentation available from the hearing and information presented on the appeal form, in some instances it may be necessary for a meeting(s) to be conducted to clarify details presented. An appeal meeting, whether before an Administrative Hearing Officer or Appeals Board, is not a re-hearing of the case. The appeal meeting, if warranted, will be conducted in accordance with the procedures outlined below:

1. For student conduct hearings in which the charge against the respondent is assault, the University will disclose the results of the hearing, and sanctions, if found responsible, to both the respondent and the complainant.

In cases of sexual assault, both parties will be informed of the results and sanctions, if applicable, and both will also have the right to appeal the outcome and any sanctions imposed.

In all other cases, the complainant is not entitled to be informed of the hearing outcome, nor appeal the outcome or sanctions imposed.

2. The meeting will be closed to everyone except for those persons whose presence are authorized by the Appeal Officer or Board responsible for conducting the meeting under the Administrative Authority section (Administrative Hearing Officer or Board).
3. There will be no representation by legal counsel.
4. The student(s) may have an advisor present at an appeal meeting. Because the University Conduct System is not an adversarial legal process, the advisor may not be an individual who has specialized legal training, including someone possessing a Juris doctor degree, or other legal degree, even if such person is a member of the Xavier community and does not practice law. Electronic or other verbatim record of the meeting will not be made or preserved unless authorized by the Interim Dean of Students, or designee.
5. The Appeal Officer or Board may request written statements of up to five (5) pages per person from the complainant and respondent to be used in the appeal at the Appeal Officer's or Board's discretion. Unsolicited statements from witnesses will not be considered in the appeal meeting if they were not considered in the hearing of the case.

6. Only new information that was not available at the time of the hearing will be accepted by the Appeal Officer or Board. The Appeal Officer or Board may use new information in considering the outcome of the appeal meeting if it is determined to be accurate and justified.

18.9 University Sanctions

Xavier University strives to foster an atmosphere that encourages and promotes mutual respect and consideration for others. Students are expected to cooperate in observing the standards of conduct that contribute to a positive environment. Violations of the University Conduct System will be addressed.

Students are expected to learn from previous mistakes and poor choices. Therefore, violations of policies and sanctions given in previous semesters will impact the sanctions imposed for future violations throughout their college career (this includes Xavier Police citations).

Student conduct sanctions will be determined based on the seriousness of the behavior, the level of the student's responsibility for the incident, and prior student conduct history. Depending on severity of the offense, multiple sanctions may be imposed. The University may levy one or more of the following sanctions:

Written Warning – A written statement of warning which declares that the behavior is unacceptable within the Xavier Community, and if the behavior continues, additional sanctions may be imposed.

Parental Notification – Xavier University reserves the right to notify the parents of a student who has been found in violation of federal or Ohio state law or if the student is in jeopardy of being removed from University-owned housing.

Educational Sanction – An educational sanction is a required activity that is intended to engage the student in a positive learning experience related to the student's inappropriate behavior. An educational sanction may include, but is not limited to, performing community service on and/or off-campus, attending programs or workshops at the student's own expense, if applicable, obtaining counseling, or writing a paper.

Limitations on Activities – While often coupled with probation, this sanction may be taken separately as well. Limitations on activities may include, but are not limited to, ineligibility for serving as an officer or member of a University organization, committee, board, or council, ineligibility to participate in any inter/intra-collegiate activity; ineligibility to receive or maintain an award, or exclusion from University events.

Fine – A monetary sanction is intended to make the student consider his or her behavior and decision-making. Fines are not to be confused with restitution.

Restitution – A student may be required to make restitution (pay for losses or damages.)

Arbitration/Mediation – In order to help students involved in a dispute come to a mutual agreement or settlement, the University may strongly suggest mediation or binding arbitration and facilitate that process. Fees associated with this action may be at the student's expense.

Notice of No Contact – A notice that one party may not have any contact with another for a specified period of time via phone, e-mail, in person, via a third party, or by any other means. Neither party may contact the other during the specified period of time. The "Request for No Contact" form can be completed at Xavier Police or with the Interim Dean of Students.

Residence Life Probation – Residence Life Probation is a formal notice to the student that the behavior in question is unacceptable within the residential community and that if the behavior continues, more severe action may be taken, including the possibility of removal from University-owned housing.

Removal from University-owned Housing – Removal from University-owned housing may be for a fixed period of time or on a permanent basis. A student who is removed from University-owned housing is not permitted to enter or visit any University-owned housing and will forfeit any prepaid housing fees.

Academic – In consultation with the student's college Dean or designee, the Administrative Hearing Officer or Board may impose academic sanctions, if applicable to a violation of University policy. Such sanctions are normally related to academic dishonesty but may also apply to disturbances or inappropriate behavior toward a University employee or fellow students in an academic setting or environment.

University Probation – University Probation is a formal notice to the student that the behavior in question is unacceptable within the Xavier community, and if the behavior continues or if other inappropriate behavior follows, more severe action will be taken, including the possibility of suspension or expulsion from the University. Probation is for a fixed period of time, which normally will not be less than one semester. During the probationary period, a student may not hold an elected or appointed office or participate in any inter/intra-collegiate activity. Probation may also affect other appointed or selected positions as required by departmental guidelines. During the probationary period the student is not considered to be in good standing with the University.

Suspension – Suspension from the University involves the exclusion of the student from participation in any academic or other activities of the University for a specified period of time, which may be indefinite. Written

notification of this sanction will be provided to the student. A suspended student must withdraw from all courses carried the semester of the suspension, and will forfeit all fees according to the normal Withdrawal Policy of the University. Any student suspended from the University is prohibited from visiting the University premises except when engaged in official conferences approved in writing by the Interim Dean of Students, or designee. Suspension may be in addition to any other sanction that is judged to be of value to the student.

- Any student who has completed the terms of suspension from the University and wishes to return to Xavier is required to have a final assessment before reactivation as directed by the Interim Dean of Students. The returning student must sign a release from the individual conducting the final assessment.
- Any student who has completed the terms of suspension from the University and wishes to return to Xavier will be placed on University Probation for a specified period of time which will be determined by the Interim Dean of Students (not less than one semester.)

Expulsion – Expulsion is the most serious University sanction and involves the permanent exclusion of the student from the University. An expelled student will forfeit all rights and degrees not actually conferred at the time of the expulsion. Notification of the expulsion will be provided to the student. An expelled student must withdraw from all courses, and will forfeit all fees according to the normal Withdrawal Policy of the University. Any student expelled from the University is prohibited from visiting the University premises except when engaged in official conferences approved in writing in advance by the Interim Dean of Students, or designee.

Other – Sanctions may also be imposed that are of a more creative nature and which may have a particular learning outcome that specifically suits the violation of University policy.

18.10 Non-Compliance with University Sanctions

Failure to comply with University sanctions in the time accorded may result in a hold being placed on registration privileges, graduation, or transcripts, and/or a more serious sanction being imposed.

18.11 Special Circumstances

In certain situations it may become difficult, impractical, or impossible to handle a case under the student conduct process outlined in this [Handbook](#). Under such circumstances, the Interim Dean of Students, or designee, at his/her sole discretion may convene a panel to serve as Administrative Hearing Officers. Convening such a panel is not limited to the following situations, but may often be necessary:

- a) at the end of a semester or academic year when a case must be resolved due to the sensitive nature of the charges;
- b) early in the academic year before the appropriate Board has been appointed or trained.

Every attempt will be made to convene a panel that is comprised of individuals who

have had prior experience and training as an Administrative Hearing Officer or Board member.

18.12 Emergency Administrative Action

Should an individual pose an immediate danger to, or severely disrupt the University community or endanger any individual, Emergency Administrative Action may be taken to relocate an individual within on-campus housing, restrict activities of the individual on-campus, or to remove the individual from part or all of the University community (e.g., residence halls, classrooms) pending the outcome of disciplinary procedures. Within five (5) business days of the Emergency Administrative Action, student hearing proceedings will be initiated. The student will receive written notification of the charges as specified in the Student Hearing Procedures. The decision whether or not to take Emergency Administrative Action will be at the sole discretion of the Associate Provost for Student Affairs in consultation with the Interim Dean of Students.

18.13 Psychological Emergencies

A student who is believed to be in immediate life threatening danger to him/herself, or an immediate life threatening danger to others, due to psychological difficulties, may be required to obtain professional evaluation and treatment. Failure to comply with the treatment requirement can result in contact with parents of dependent students, disciplinary action, and removal from on-campus housing, or mandatory withdrawal from the University.

Further, the University may disclose information from a student's educational record to appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the student or other individuals.

When a Xavier employee believes that a student is potentially harmful to him/herself or others or if the student has demonstrated behaviors that threaten or disrupt the community, the University reserves the right to mandate an assessment. This assessment will be conducted by qualified University personnel. In such instances, the student will be required to sign a release of information indicating that specific limited information can be shared with the Interim Dean of Students regarding the outcome of the assessment which may become part of the student's educational record. Specifically, information shared may include whether the student has complied with scheduling and completing the mandated assessment, and whether or not the student has agreed to follow-up with treatment recommendations. The student will be advised of the possible consequences of signing such a release. If the release of information has not been signed, and a copy has not been provided to the Interim Dean of Students within five (5) business days of the request, the student may not be permitted to continue as an enrolled student until such time the student is able to demonstrate to the satisfaction of the Interim Dean of Students that he or she is not a danger to themselves or others and can participate in the personal, social, and academic responsibilities of being a Xavier University student.

18.14 Confidentiality

The name, status, and violation or alleged violation of any student will not be

discussed with anyone other than the appropriate University officials, except as required or permitted by law. Generally, the outcome of any student disciplinary case and appeal will remain confidential.

18.15 Required Disclosures

The University is required to inform the complainant of a sexual assault of the final results of any student conduct proceeding brought against the respondent for that alleged sexual assault as required by the Federal Jeanne Clery Act of 1990. This disclosure must be made whether or not the respondent is found to have committed the alleged sexual assault, and may only include the final results of the student conduct proceeding with respect to that violation. This disclosure shall be made whether or not the alleged victim is the complainant. Each year the University must publish selected crime statistics from the three (3) most recent years.

18.16 Permissible Disclosures

The University may also choose to disclose information in certain circumstances, including, but not limited to, the following:

1. The University may choose to notify the parents/guardian of a dependent student if the student has violated the Xavier University Code of Student Conduct when state or federal law has been violated or the student is in jeopardy of being removed from University-owned housing. A dependent student is one that has been listed on the Financial Aid Form as such. The University will not disclose any information to parents without proof of dependency. Parents of non-dependent students may be notified when a student has violated the University Code of Student Conduct if written consent for access to records has been provided by the non-dependent student. Additionally, the University may choose to notify the parents of any student under age 21 of any violation of a federal, state, or local law, or University policy regarding the use, abuse, or distribution of alcohol or drugs. These practices are in compliance with the Family Educational Rights to Privacy Act (FERPA) of 1974. Any mention within this document to parental notification will be subject to the conditions set out in this paragraph.
2. The University may disclose to a complainant of any crime of violence or non-forcible sex offense the final results of any student conduct proceeding brought against the respondent for that alleged crime of violence or non-forcible sex offense. This is permitted regardless of whether the respondent is found to have committed the alleged violation, and may only include the final results of the student conduct proceeding with respect to that violation. This disclosure may be made whether or not the alleged victim is the complainant. Once disclosed, the complainant is not permitted to re-disclose the information.

The University may also disclose in the best interest of the campus community to the campus community the final results of a student conduct proceeding if it determines that a student has committed a violation of the University Student Conduct System by perpetrating a crime of violence or

non-forcible sex offense. If information is disclosed under this provision, then there are no restrictions on disclosure or re-disclosure of the final results of the student conduct proceeding with respect to the violation.

The respondent of a crime of violence is alleged to have committed acts that would, if proven, constitute any of the following offenses or attempts to commit the following offenses: arson, assault/battery offenses, burglary, criminal homicide—manslaughter by negligence, criminal homicide—murder, and non-forcible sex offenses. The respondent of a non-forcible sex offense means a student who is alleged to have committed acts that, if proven, would constitute statutory rape or incest. Any finding of responsibility to be disclosed under the paragraphs above may include the name of the respondent, the University policies or rules that were violated and a description of the sanction imposed by the University, the date of the imposition or the duration of the sanction.

3. The University may disclose information from a student's educational record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
4. For student conduct hearings in which the charge against the respondent is assault, the University will disclose the results of the hearing, and sanctions, if found responsible, to both the respondent and the complainant.

In cases of sexual assault, both parties will be informed of the results and sanctions, if applicable, and both will also have the right to appeal the outcome and any sanctions imposed.

In all other cases, the complainant is not entitled to be informed of the hearing outcome, nor appeal the outcome or sanctions imposed.

18.17 Retention of Disciplinary Records

Upon completion of the student disciplinary sanction(s), the student will be returned to good standing, but the record of the hearing outcome, sanction(s), and supporting material will be retained in the student's file (a FERPA protected educational file) for a minimum of seven (7) years following his/her graduation date or date of continuous separation from Xavier University. At that time, the material will be destroyed except for those records verifying suspension or expulsion. Such records may be introduced and given due consideration in any subsequent student conduct in which the student may be involved. After graduation, educational institutions such as law, medical, graduate schools, and potential employers, may contact the University to verify any conduct history with written permission from the student or former student. This could determine or impact acceptance or hire. Generally, University conduct files are maintained electronically on the RMS system. Some hard-copy files may be maintained in addition to the electronic filing system and may be found in the office

of the Student Affairs or the office of Residence Life.

19.0 UNIVERSITY POLICIES AND REGULATIONS

(University policies and regulations in this Student Handbook appear in alphabetical order.)

Students may be held responsible for being present during a violation of the Code of Student Conduct. It is the responsibility of any and all students to make a prudent choice when he/she becomes aware of a code violation. Those choices include: 1) leaving the situation immediately; 2) advising those in violation of the Code to cease behavior and then leave the situation immediately thereafter; or 3) stay and be charged with a violation(s) of the Code of Student Conduct.

19.1 Academic Standing

A student in "good standing" is defined as a student who has earned a cumulative grade point average of 2.000 or better (a "C" average or better.)

19.2 Acceptable Use of University Computers and Network Systems

- A.** This policy establishes rules and strategies for acceptable use of Xavier University's information technologies and resources, including all computer devices, data, applications, and the supporting networking infrastructure owned, leased, and/or managed by the University. The policy is based on the following underlying principles:
- Information resources are provided to support the essential mission of Xavier, including its teaching, scholarship, and service missions; administrative functions; student activities; and more.
 - Xavier policies, state and federal law, and other regulations govern the use of information resources.
 - The information resources infrastructure is provided for the entire Xavier community. This infrastructure is finite, and all users are expected to use it responsibly and ethically.
 - Some actions that are technically feasible may be illegal and/or inappropriate.
- B.** Access to the networks and to the information technology environment at Xavier University is a privilege granted by the University and must be treated as such by all users of these systems. Effective security is a team effort involving the participation and support of every Xavier employee, student, and affiliate who deals with information systems. It is the responsibility of every computer user to read and understand this policy, and to conduct their activities accordingly. These rules are in place to protect the Xavier community. Inappropriate use exposes Xavier to risks

including virus attacks, compromise of network systems and services, and legal issues. See the full Policy on Acceptable Use of University Computers and Network Systems for more information.

<http://www.xavier.edu/policy/documents/Acceptable-Use-Policy.pdf>.

- C. Individual departments and/or administrative units may have additional, supplemental policies regarding computer equipment, networks and electronic communications. Individual policies do not supersede, replace or invalidate this policy.

19.3 Advertisements

A. Chalk

Chalking a sidewalk as a means to communicate information about an upcoming Xavier sponsored/sanctioned program or event is permissible in designated areas of campus as outlined further in the guidelines:

- In keeping with the purposes and proper functioning of an academic community, all such chalking must be properly identified as to source and sponsorship.
- Any message used as part of chalk advertising should be in accordance with the values of Xavier University. Therefore, the messages should not represent any of the following:
 - Vulgar or sexually suggestive language or images
 - Promote the use of alcohol or illegal substances
 - Racial/ethnic/gender or religious insensitivity through language or image
- Only washable chalk should be used.
- Messages may be posted as early as 4 days prior to your event, and should be washed off within 24 hours after the event (if rain has not already done so.)
- Chalked messages may only be placed on flat, horizontal, concrete surfaces in the locations designated below:
 - Walkway between Kuhlman Hall and money machines
 - Sidewalk in front of the entrance to O'Connor Sports Center
 - The incline sidewalk from Victory Parkway down to the O'Connor Parking Lot
 - Sidewalk in front of the Hoff Marketplace main entrance
 - Driveway sidewalk to the University Village and inside the Village Courtyard
- Note: Absolutely no chalk advertising can be placed on campus buildings.

- Please be considerate to all student organizations:
 - Be sure to allow for multiple messages at each designated areas.
 - Limit your chalk advertising to no more than two of the designated locations at a time.

B. Distribution of Publications

- The distribution or display of publications, handouts, literature, and other forms of printed material is a legitimate means of expression and communication. In keeping with the purposes and proper functioning of an academic community, all such distributions must be properly identified as to source and sponsorship. Anonymous publications, handouts, literature and other forms of printed materials are not permitted.
- Business solicitations are not permitted.
- A Xavier publication, handout, literature or other printed material is one that comes from a Xavier office, department, or a Xavier-recognized club or organization. Xavier publications, handouts, literature and other printed materials may be distributed or displayed in accordance with the guidelines below.
- Non-Xavier publications, handouts, literature or other printed materials are all those that do not originate from a Xavier office, department, or Xavier-recognized club or organization. This includes, but is not limited to the following:
 - A poster advertising a Xavier student's band's upcoming event, posted by a Xavier student
 - Credit card application pamphlets
 - A flyer soliciting interest in joining a local community's "knitting club," posted by a Xavier faculty member.
- The Interim Dean of Students, or designee, must approve all non-Xavier publications, handouts, literature, and other printed materials before they can be distributed or displayed anywhere on the Xavier campus.
- Once approved by the appropriate building coordinator, flyers may be distributed or displayed in accordance with the guidelines below:
 - All advertising must be removed within 24 hours after the event.
 - The sponsoring group will be responsible for the removal of the posting.

- If this is not done, the group will not be permitted to post further materials during a suspension period.
 - The name of the sponsoring agency, group, or individual with contact information, must be on each poster or flyer.
 - Signs may be posted only in areas specifically designated and must be approved by the individual building coordinator.
 - Handbills, posters, and flyers may not be placed on cars, telephone poles, and trees on- or off-campus, according to city ordinance.
 - Display or distribution of any poster, flyer or other printed material with any reference to alcohol will not be permitted.
 - The display or distribution of any poster, flyer or other printed material with any pornography or profanity of any kind is strictly prohibited on the Xavier campus.
- Any distributions or displays of information not conforming to these rules may be immediately removed by the Interim Dean of Students, building coordinator, or designee.

C. Distribution of Publications In Residence Halls

The following regulations for posting printed materials in University housing areas have been created in order to maintain a presentable living environment and reduce fire hazards, while insuring sufficient means for recognized organizations to publicize their events:

- All materials to be posted must be cleared through a professional Residence Life staff member who will then forward materials for placement in the halls and apartments.
- All materials to be posted will be placed only on appropriate bulletin boards. No advertising may be placed on doors leading to the outside of the building, walls, in elevators, or fire doors, without permission of the Office of Residence Life.
- No more than one (1) poster, flyer or other printed material per event will be placed on each board.
- All advertising must be removed within 24 hours after the event. The sponsoring group will be responsible for the removal of the posting. If this is not done, the group will not be permitted to post further materials during a suspension period.
- The name of the sponsoring agency, group, or individual with contact information must be on each poster or flyer.
- Printed materials and flyers may not be posted on walls,

sidewalks, telephone poles, trees, or in stairwells. The placing of printed materials on parked cars is prohibited.

- Material cannot be put under doors unless authorized by the Director of Residence Life.
- Any poster, flyer, or other printed material with references to alcohol may not be posted in any on-campus housing, as a majority of residents in these living areas are not of legal drinking age. See Alcohol Policy and Campus Alcohol Procedures.
- Exceptions to this Policy can be made by the Director of Residence Life. Should any violations of this posting regulation occur warnings will be issued from the Office of Residence Life. A charge for removing improperly posted material may be assessed to the responsible party. Repeated violations may result in student conduct sanctions.

D. Electronic Signage Policies and Procedures

Advertisement and notices may be placed on the electronic/digital signage in the Gallagher Student Center. It is managed by the Gallagher Welcome Desk. The link for an ad submission is located on the Portal Home page → Campus Announcements → Gallagher Center Digital Sign Submission Form.

19.4 Alcohol and Other Drug Policy

- A. Underage Drinking:** By state law it is illegal for persons under the age of 21 to possess, consume, or sell alcohol. Therefore, a student who engages in such behavior is in violation of University policy.
- B. Illegal and Prescription Drugs:** The possession, consumption, and sale of illegal drugs and the abuse/misuse of prescription drugs are illegal and a violation of University policy.
- C. Drinking Games:** Participation in alcohol drinking games is prohibited and a violation of University policy.
- D.** All residents and guests present in a room where a violation of Policy is occurring will be documented, are considered responsible for the behavior, and face disciplinary charges. (e.g., if underage consumption of alcohol or other illegal substances is occurring, all will be held responsible for the violation.)
- E. Paraphernalia:** Any instrument, vessel, or device (e.g., bong, pipe, rolling papers, etc. - this list is illustrative not exhaustive) used to

consume alcohol or illegal substances in the commission of a policy violation or state law is considered contraband and is prohibited. Such items will be confiscated and disciplinary charges may be levied.

- F.** The Alcohol and Other Drug Policy applies to all Xavier University students. *A copy of the full text of the Alcohol and Other Drug Policy is available on the Interim Dean of Students' website at: <http://www.xavier.edu/deanofstudents/>
- G.** The purpose of the University's Alcohol and Other Drugs Policy is to promote the legal and responsible use of alcohol; to ensure compliance with state and federal laws and regulations which pertain to the University; to preserve a social environment conducive to learning and healthy living; and to promote the education of students, faculty, and staff regarding alcohol and other drugs.
- H.** Xavier University is committed to maintaining a drug-free environment for students and employees. Students who would like to receive additional information or confidential assistance may contact the Health and Counseling Center or the Division of Student Affairs.
- I.** An organized wine tasting event is permitted as an educational experience to a group of students who are all of the legal drinking age of 21. The event must be sponsored by an official student club, organization, or working-group, with the approval of the Interim Dean of Students, and facilitated by an individual who is knowledgeable about wine tasting. The group's advisor must also be present at the wine tasting event.
- J.** In addition, if University dollars are being used to support transportation to an event where there is potential of alcohol consumption (i.e. transportation to an event, activity, or entertainment opportunities), a University representative or authorized security must be present on buses/vehicles. (*Xavier University Alcohol and Other Drugs Policy, p. 9*)
- K.** The following alcohol and other drug (AOD) prevention and intervention tier system is evidence-based and designed to impact all Xavier students. All AOD services are tailored to impact each student based upon their current needs.
 - A. Prevention = All students
 - B. Education = 1st time offenders and referrals (low risk)
 - C. Early Intervention = 2nd-time Offenders and referrals (moderate risk)
 - D. Treatment = 3rd-time Offenders and referrals (high-risk)
 - E. Probation = 4th-time Offenders

See the Summary of Alcohol and Other Drug Interventions on the Interim Dean of Students' website:

<http://www.xavier.edu/deanofstudents>

- L. X-MAP Program – The Medical Emergency Assistance Program (X-MAP) is designed to remove a student's apprehension of reporting a policy violation from his/her decision to seek assistance for themselves or a fellow student during an alcohol or other drug (AOD) related ***medical emergency***. X-MAP will allow a bystander or an impaired student the opportunity to call for help by waiving the conduct violations that would typically occur under the University's Alcohol and Other Drug Policy. For more information, see the full policy at the Interim Dean of Students' website: <http://www.xavier.edu/deanofstudents/documents/X-MAP-Medical-Emergency-Assistance-Program.pdf>

19.5 ALL Card

- A. In order to properly identify oneself as a member of the Xavier community, students should carry their ALL Card at all times. When asked by a staff member for identification, the ALL Card must be produced without incident.
- B. Using an ALL Card issued to another person to gain unauthorized entry to an event, meal, or for any other purpose (whether or not payment is required) is strictly prohibited (e.g., Hoff Dining Center, O'Connor Sports Center, basketball game or other sporting event, etc.). The owner of the ALL Card as well as the person using that person's ALL Card will be held responsible through the University Student Conduct process. The ALL Card is the property of the University and must be surrendered upon request of a University official.
- C. If an ALL Card is lost or broken, the student should deactivate his/her card online at <https://services.jsatech.com/index.php?cid=57>, to ensure that it will not be used. If necessary, the ALL Card Center will have a new card issued. There is a \$20.00 fee to replace lost or personally damaged cards.
- D. Meal Plan Verification at Campus Food Outlets

In order to use your meal plan, Dining Dollars, or XCash at any of the University campus dining outlets, (e.g. Hoff Dining Center, Outtakes, Ryan's Eatery and Pub or any other retail dining outlets) a student must present his/her ALL Card in order to verify that the account is valid and active. The ALL Card must be presented by each student at each meal with no exceptions (including student leaders, student athletes, and members of student organizations.) If a student cannot

present his/her non-transferable ALL Card, the student will not be permitted to enter the dining facility or order food until the ALL Card is presented. Simply giving one's name and ALL Card number is not sufficient. Any violations of this policy, including entering the dining facility without presenting an ALL Card or not paying for a meal, will be considered theft and the student will be held responsible through the University Conduct Process.

19.6 Athletic Events

- A.** Alcoholic beverages are not permitted in Schmidt Field House, O'Connor Sports Center, Cintas Center, or any other locations for University sporting events on any occasion, except by a University-authorized vendor.
- B.** No object, of any kind, may be thrown or projected by spectators at or during Xavier sporting events. Spectators are not permitted on the main floor during the event and are prohibited from disrupting any athletic event. Students should not wear inappropriate, inflammatory or offensive clothing, or clothing that implies illegal activity.
- C.** Students who are identified as violating these policies may be subject to student conduct proceedings. A student may be ejected from an event, banned from attending future athletic/social events at Xavier, or otherwise sanctioned for failure to comply with this section.

19.7 Class Absence for Participation in Official University Events

- A.** Students participating in approved University activities which require their absence from classes should consult with instructors (no later than the second week after the start of classes, or as soon as the information about the absence is known) to determine the class attendance policy.
- B.** The student should provide the instructor with a schedule of planned absences, preferably signed by the University official directing the activity (e.g., Appropriate Coach, Band Director, or other official), in order to allow the instructor to evaluate and advise the student on the possible impact of the planned absences.
- C.** For classes requiring mandatory attendance incompatible with the number of planned absences, students should seek advice if they should register for another section of the class, if possible, during a semester in which they will not be participating in the University activity (for example, during the off-season for a sports team or during the summer).
- D.** The student should request in advance any assignments that may be missed during the absence(s), so that he/she will not fall behind in the coursework.

- E. Based on academic freedom, the attendance requirement stated in the course syllabus, and an individual student's academic class performance, the final decision as to whether a student absence is excused (whether to officially represent the University, or otherwise) is at the sole discretion of the faculty member teaching the course.
- F. The format for requesting the exemption can be found online at <http://www.xavier.edu/deanofstudents>.

19.8 Climate of Respect

Xavier's mission is to be a community of inquiry in the Catholic, Jesuit tradition dedicated to forming students intellectually, morally, and spiritually, with rigor and compassion, toward lives of solidarity, service, and success. Only a campus environment of mutual respect and genuine care for all individuals enables this mission to be realized.

Harassment or discrimination of any kind, including such action based on gender, race, ethnicity, color, religion, age, national origin, sexual orientation, gender identity and expression, disability or marital status impedes Xavier's ability to carry out the mission. Therefore, it is important and necessary to have established policies and procedures in place to deal with harassment and discrimination. The Harassment Code Accountability Procedures document is an attempt to reinforce Xavier's commitment to eliminating violence and harassment of any kind on campus by ensuring that the policies are relevant and integrated into daily life. A copy of the full text of this document can be found as a link to the Interim Dean of Students' website at: <http://www.xavier.edu/deanofstudents/>

19.9 Collection Policy and Procedure for Departmental/Club Collection Items

Failure to return property loaned in good faith by the University to a student to facilitate their success and development (i.e., textbooks, club sports equipment, calculators, etc.) may result in the replacement cost of the materials or equipment loaned being charged to the student's Bursar account. The full policy can be found on the Interim Dean of Students' website under Department and Club Collection Procedure at <http://www.xavier.edu/deanofstudents>

19.10 Cooperation with University Officials

It is the responsibility of all members of the University to enforce policies and regulations which ensure a safe and positive on campus environment. Refusal to cooperate with the request of any official (administrators, staff, student staff, resident/graduate assistants, Xavier Police, etc.) performing their jobs, will result in disciplinary action. Examples of behavior considered to be uncooperative include not opening the door when staff members knock and identify themselves, using abusive language, being disrespectful, and lying. This list is meant to be illustrative, not exhaustive.

19.11 Demonstrations

Campus demonstrations are permitted by students provided they are conducted in an orderly manner and do not interfere with vehicular or pedestrian traffic, classes,

or other University activities and functions. The University has the right to limit the time, place, manner and scope of a demonstration by students (as approved by Xavier Police and the Interim Dean of Students). If a demonstration becomes disruptive and interferes with the freedom of other members of the University community, then it is considered to be disorderly. Those participating in disorderly demonstrations should expect sanctions up to and including criminal prosecution. Demonstrations by those who are not Xavier students, faculty or staff are not permitted on University property.

19.12 Dining Facility Property

- A.** All non-disposable items used for eating a meal in the dining facility (e.g. flatware, dishes, plates, bowls, cups, trays) are the property of Xavier Dining Services and are not to be removed or taken from the dining facility. Any such items identified as Xavier Dining Services inventory found outside of the dining facility will be confiscated and returned to Xavier Dining. Students found in possession of such items outside of the dining facility will have violated the Code of Student Conduct and will be held responsible through the University Conduct System.
- B.** Unreasonable removal of food from the dining facility:

While it is within reason and permissible that a student may wish to leave the facility with a dessert or piece of fruit (e.g., cookie, ice cream cone, apple or banana), removing large quantities of food that may be used to feed others at a student gathering or for the purpose of “stock piling” food at one’s residence is strictly prohibited and will be considered theft and a violation of the Code of Student Conduct.

19.13 Disorderly/Disruptive Behavior

- A.** The maintenance of a community environment conducive to learning, academic success and positive relationships is dependent upon the cooperative efforts of all community members. Any student who interferes with the rights of others disrupts the community, and/or damages property is subject to student conduct proceedings.
- B.** Disorderly/disruptive behavior includes a single act of inappropriate behavior or a pattern of behavior (either in a succession of closely related disruptive acts or a series of actions over a period of time). Behavior which disregards the rights of individuals or the community, causes physical damage to property, or interferes with the normal functioning or safety of the community is subject to student conduct proceedings.

19.14 Fire Safety

- A.** All persons must leave the building during fire alarms and may not re-enter until instructed to do so by a University official (i.e., Xavier Police

Officer, or a Hall Director) or a firefighter. Violations, including students who refuse to vacate, or return before they are told to do so, are serious grounds for student conduct proceedings. Any person who sets off a false alarm or misuses a fire extinguisher commits a severe violation and may be subjected to prosecution under Ohio Law in addition to harsh University sanctions. If in a Residence Hall, please leave the window blinds open, close and lock doors, and turn off the lights.

- B. Any student, who activates a false alarm, tampers with fire or safety equipment (such as fire extinguishers and door alarms) or fails to evacuate in the event of a fire alarm places the lives and safety of his/her fellow students in danger. This is one of the most severe violations of University Policy. Any student, who in any way misuses fire or safety equipment, accidentally or maliciously, is subject to severe University disciplinary action and prosecution under Ohio Statutes.

19.15 Fundraising

A fundraising permit must be completed by any club/organization that is attempting to raise money for its own purposes or for charity both on or off-campus. The full copy of this form can be found online at the Interim Dean of Students' website: <http://www.xavier.edu/deanofstudents/>

19.16 Gambling

Xavier University prohibits gambling, the sponsoring of lotteries, and the sale of lottery tickets.

19.17 Grilling

Grilling in undesignated areas is prohibited due to fire safety concerns. Grilling is allowed with proper precautions at least 20 feet from buildings and structures. Grilling on porches or balconies is not permitted.

19.18 Harassment Policy

The full text of Xavier's Harassment Code Accountability Procedures can be found at the Interim Dean of Students' website: <http://www.xavier.edu/deanofstudents/>

- A. Xavier University is committed to eliminating barriers that impede learning and research development. Xavier is creating and implementing educational and development initiatives through the discovery and transmission of knowledge in order to establish and maintain diverse human relationships essential to living harmoniously in a global society. Therefore, it is essential that members of the University community (students, faculty, and staff) function effectively and justly when exposed to ideas, beliefs, values, personal characteristics, and cultures different from their own. Incidents of harassment jeopardize the proper functioning of the Xavier community and therefore the University takes all claims of harassment seriously and harassment of any kind, for any reason will not be tolerated.

B. Harassment at Xavier University is defined as follows:

- The creation of a hostile or intimidating environment, in which conduct, because of its severity and/or persistence, is likely to interfere significantly with an individual's life by affecting the person physically or emotionally. Such harassment will not be tolerated.
- Harassment can be uninvited or unwelcome verbal, physical or visual conduct. Harassing conduct is often, but not always, in reference to the individual's or a group of individuals' sex, gender identity, race, color, economic status, class, religion, culture, national origin, citizenship, veteran status, ethnicity, sexual orientation, gender identity and expression, position, age, handicap, or disability.
- Verbal conduct may be either oral or written words, such as epithets. Physical conduct may include assault or battery, physically interfering with, blocking or impeding an individual's normal movement. Visual conduct may include drawings, pictures, cartoons, or derogatory posters. (None of these descriptions are intended to describe all manners of the particular type of conduct.)
- Examples of harassing conduct include, but are not limited to:
 - Any intentional, willful or malicious, mocking, or disparaging of a person or persons so as to affect their educational performance or living or working environment at Xavier
 - Actions or expressions that might cause or contribute to violent situations, or that create a clear and present danger of violent situations.
 - Phone calls, Instant Messenger sessions, or other electronic communications that violate the Ohio telecommunications harassment statute, O.R.C. #2917.21:
<http://codes.ohio.gov/orc/2917.21>.
 - Acts of violence, stalking, unwelcome physical touch, physical, verbal, or written threats, and/or other inappropriate communications.
 - Incidents of sexual harassment, as defined below.

C. The victim of sexual harassment can be male or female. The conduct alleged to constitute harassment is evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all the circumstances.

- Sexual harassment is a particular form of harassment with specific distinguishing characteristics. Conduct that constitutes sexual harassment can be verbal, visual, or physical. It may be direct or

explicit or it may be inferred from the conduct, circumstances and relationship of the individuals involved.

- What constitutes sexual harassment will vary with particular circumstances, but it generally consists of unwelcome sexual advances, explicit or implicit requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - Submission to or rejection of such conduct is an explicit or implicit term or condition of education, employment, or participation in other University activities;
 - Submission to or rejection of such conduct is used as a basis for an employment, academic, or research decision affecting the individual;
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, or status; or
 - Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive University environment.

D. In so far as Title VII (Equal Employment Opportunity) of the Civil Rights Act of 1964 is applicable, the University adopts the definition of sexual harassment found in the Equal Employment Opportunity Commission (EEOC) Guidelines: "conduct of a sexual nature...when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."

E. Examples of sexual harassment may include, but are not limited to:

- Ongoing use of offensive language or discussions of a sexual nature that creates a hostile or offensive environment.
- A supervisor or professor promising a raise or a better grade in exchange for sexual contact.
- Repeated, unwanted attempts to change a professional relationship to a personal relationship.
- Criminal acts such as assault or rape.
- Repeated joking or teasing about sexual orientation.
- Repeated joking or teasing about other peoples' bodies.
- Whistling, touching, or other repeated unwanted flirtation.
- Displaying graphic pictures that create a hostile or offensive working or living environment.
- Unwelcome attention of a sexual nature after requesting that the attention be stopped.

F. Sexual harassment need not be intentional. Behavior is sexual in nature if a reasonable person could have interpreted the alleged behavior to be sexual. The intent of the person who is alleged to have committed sexual harassment is not relevant in determining whether sexual harassment has occurred.

- G.** In all instances, the alleged harasser will be subject to the procedures relevant to his or her University community status. For example, if a student is alleged to have harassed a staff member, a faculty member, an administrator, or another student, he or she will be subject to the procedures outlined in the Student Handbook and the Code of Student Conduct.

19.19 Hazing

- A.** In accordance with its mission, its concern for the safety and the well being of all members of the University community, and in accordance with the laws of the state of Ohio, Xavier University strictly prohibits the practice of hazing of any students by another student(s) or groups of students.
- B.** Hazing is defined as any intentional or reckless action or situation which promotes emotional or physical harassment, discomfort, or ridicule; hazing is usually connected with the initiation or entry of a new individual or group of individuals into an already existing group or with the discipline of a member by other members of a group.
- C.** Specifically, the following hazing activities directed toward any pledge, initiate, or new member of an organization or team are prohibited:
- Any and all forms of strenuous physical activity which are not part of an organized constructive event and which may reasonably be expected to bring harm to a person(s);
 - Paddling, beating, pushing, shoving, restraining, immobilizing, or striking a person(s);
 - Activities that result in the unreasonable loss of sleep or study time of a person(s);
 - Forcing or coercing a person(s) to eat or drink amounts of any substance, including alcohol, drugs, foods, or other substances;
 - Abductions and the forced relocation of a person(s);
 - Cruel psychological treatment of a person(s): Behavior which disrupts the normal functioning of the university; behavior which forces another person(s) to participate in an illegal, publicly indecent, or morally degrading activities, or inappropriate sexual conduct; or behavior which violates rules, regulations, and policies of Xavier University.

Any allegations of hazing are to be made to the Interim Dean of Students.

The provisions of the Code of Student Conduct and University conduct procedures apply.

19.20 Illegal downloading

Illegal downloading of music, video, e-books, games, or any other copyrighted electronic material is prohibited. Violations brought to the attention of Xavier University will constitute a violation of the Code of Student Conduct; charges will be filed, and will be addressed through the University conduct process. Illegal downloading may also result in civil or criminal charges. – See Xavier’s Policy on Acceptable Use of University Computers and Network Systems for more information.

19.21 Local Address

It is the student’s responsibility to furnish local address information to the Office of the University Registrar. Failure to do so could constitute a student conduct violation for “failure to cooperate with University Policy.” Students who reside off-campus who have not provided the University with a local address could be held responsible for any student conduct proceedings without having received a notice of the hearing.

19.22 Meal Plan Verification at Campus Food Outlets

In order to use your meal plan, Dining Dollars, or XCash at any of the University campus dining outlets, (e.g. Hoff Dining Center, Outtakes, Ryan’s Eatery and Pub or any of the retail outlets, in GSC) a student must present his/her ALL Card in order to verify that the account is valid and active. Failure to present a non transferable ALL Card will constitute the student not being permitted to enter the dining facility or order food to go until the ALL Card is retrieved and presented. No student will be permitted to give his/her name or number to gain entrance to the dining facility whether the student has a meal plan or not. The ALL Card must be presented every time before entry is permitted with no exceptions (including student leaders, student athletes, and members of student organizations.) Any violation of this policy by entering the dining facility with or without presenting the ALL Card or not paying for the meal will be considered theft and the student will be held responsible through the University Conduct Process.

19.23 No Contact Notice

While allegations of a violation of the Code of Student Conduct are under investigation, a No Contact Notice may be issued by Xavier Police, Residence Life, or the Interim Dean of Students. The No Contact Notice will remain in effect until 1) a University conduct process has been completed; 2) a mediation process involving all parties has been completed and it has been determined that the No Contact Notice is no longer relevant; or 3) 60 calendar days have passed since the No Contact Notice was issued.

During the period the No Contact Notice is in effect, no contact may be made between the students listed on the No Contact Notice (the student(s) requesting the No Contact Notice or the student(s) against whom the No Contact Notice has been issued). This specifically means that neither student(s) shall call, e-mail, use any

form of electronic communication (e.g., text, Twitter, Facebook, or any other online community postings), visit, follow, or speak with the other student(s) for any reason. Additionally, it means that no friends or family members of either student(s) shall contact the other student(s) on that student(s) behalf.

Any attempt to contact the other student(s) will violate the No Contact Notice directive and will constitute a form of harassment as outlined in the Student Handbook and will not be tolerated. Additional violations of the Code of Student Conduct may be levied if the No Contact Notice is violated.

If a student feels he/she is being harassed or threatened by another student(s) a request may be made for the issuance of a No Contact Notice with valid reason.

19.24 Non-Payment of Tuition and Fees

Should a student have an outstanding balance on their Bursar account for a semester other than the current academic term, that student is ineligible to attend classes, participate in co-curricular activities, access University services, register for classes, or obtain official University documents (e.g., transcripts, diplomas) until the Bursar account has been paid and satisfied in full. For example, if a student has an outstanding balance for fall semester, and the account has not been satisfied by beginning of spring semester, all rights and privileges afforded a Xavier University student may be suspended until the balance is paid. If a student has questions regarding holds placed on his/her Bursar account, he/she can call the Bursar's Office (<http://www.xavier.edu/bursar>) at (513) 745-3435, e-mail xubursar@xavier.edu, or stop by Alter Hall, Room 135.

19.25 Observance of Religious Holidays

A. PHILOSOPHY

Xavier University is committed to respecting cultural and religious diversity. Therefore, faculty members and students should make reasonable efforts to provide alternative means to meet academic requirements when conflict arises between religious observances and those requirements. Whenever feasible, students should be given an opportunity to make-up, within a reasonable time, any academic assignment that is missed due to individual participation in religious observances. Similarly, faculty members also retain the right to religious observances and, therefore, faculty members may reasonably alter the traditional schedule of class meetings, assignments, and other academic events.

B. PROCEDURE

Faculty should inform students at the beginning of each course that it is the student's responsibility to inform the instructor of any intended absences for religious observances in advance (e.g., prior to the end of the 3rd class session) and must allow this notification to occur in a

convenient and confidential manner. Faculty should remind students that prior notification is especially important in connection with examinations (in-class and take-home) and other major course requirements. Proper accommodation requires the student to complete the entire course and, therefore, does not include the elimination of a portion of the course material. Faculty members need not consider extended travel in order to accommodate religious observance.

- C. Though faculty members create their syllabus in their own language/style, the following paragraph or, one containing equivalent information, should be added to each course syllabus.

“If religious observance will cause a student to be absent from class or otherwise affect his or her ability to complete academic assignments, he or she must notify the instructor in advance and make necessary arrangements to complete the entire course.”

- D. If faculty must alter classroom expectations and assignments due to their own religious observance, they must give students advance notice of at least one week and make accommodation for the additional conflicts these changes may cause. Such accommodations may include altered assignments, deadlines, and activities and should be included in the syllabus where possible.

19.26 Outdoor Events

This policy describes the parameters for planning and conducting outdoor events on campus by offices, departments and organizations of Xavier. The full text of this policy can be found on the Interim Dean of Students' website:

<https://www.xavier.edu/deanofstudents/>

19.27 Parking

- A. Full text of the Parking Policy can be found on the Interim Dean of Students' website: <http://www.xavier.edu/deanofstudents/>
- B. All vehicles driven on campus must display a current parking permit. Vehicles may be parked only in designated lined spaces and not in reserved spaces. Directional arrows, parking signs and all traffic laws must be observed. Vehicles parked without permits in campus parking lots are subject to fines/booting/towing.
- C. Parking permits may be purchased in the Office of Xavier Police and the Office of the Bursar. The vehicle make, year, model and license plate number are required to complete the application. Part time evening permits may be purchased in the Weekend Degree office during normal business hours.
- D. All student parking permits must be permanently affixed to the passenger side of the front windshield, lower right-hand corner. Do not use tape.

Permits not properly affixed will be considered invalid. A stolen permit must be reported to Xavier Police. The permit owner is responsible for violations charged to his/her permit if the theft is not reported to the department of the Xavier Police.

- E. Parking permits are valid from date of purchase until August 15 of the upcoming academic year.

19.28 Political Activities on Campus Policy Statement

In keeping with its educational and service mission, and its desire to promote discussion of and participation in political and civic issues, Xavier University encourages and supports the involvement of students, faculty, staff, and administration in government and political affairs. Consistent with relevant sections of the Internal Revenue Code, the University may not participate, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The University may, however, participate in voter education and in the provision for opportunities for political candidates to appear on campus, all subject to the policies and qualifications set forth below.

The University may also offer opportunities for political activity of its students, faculty, staff, and administrators as described in these policies, or as otherwise permitted by the Internal Revenue Service. Administration of these policies has been delegated to the University's Director of Government Relations, who shall supervise and provide interpretations of these policies to members of the University community, and who shall serve as campus coordinator for these policies. Supervision of the students and student groups engaging in political activities is vested, in the first instance, in the Interim Dean of Students, who shall consult with the Director of Government Relations in the case of questions involving the implementation or interpretation of these policies.

Students, faculty, staff, and administrators are encouraged to play active roles in political and civic affairs. In so doing, each individual should make it clear that any references to his or her membership in the University community is for identification purposes only, and he or she is not acting on behalf of or speaking for, or with the endorsement of, the University. Full text of this policy can be found on the Interim Dean of Students' website <http://www.xavier.edu/deanofstudents/>

19.29 Privacy of Electronic Information

- A. With regard to privacy and confidentiality of electronic information and email, Xavier has developed a policy that seeks to balance individual freedom and privacy with the need for access by persons other than the account holder, when necessary to serve operations within the University or to meet a legal requirement. As owner/manager of the computers and

networks that make up Xavier's technological resources, the University owns all administrative data that resides on its systems, and is responsible for ensuring the security of its systems, data, and user accounts. For more information, see the full Policy on the Privacy of Electronic Information. <http://www.xavier.edu/policy/documents/Policy-on-the-Privacy-of-Electronic-Information.pdf>.

- B.** Users are reminded that all uses of the University's information technology resources, including email, are subject to all relevant University policies and state and federal laws, including copyright law.

19.30 Sexual Assault and Sexual Misconduct

[Sexual Assault](#) and [Sexual Misconduct](#) are broad terms used to describe a range of conduct that is unacceptable within the Xavier Community. These include rape, sexual battery, gross sexual imposition, sexual imposition, voyeurism, and public indecency. Unfortunately, colleges and universities, including Xavier University, are not immune from this type of behavior, and it is important for students to understand the policies and procedures for [Sexual Assault](#) and [Sexual Misconduct](#) charges and to be aware of help that is available to them.

A. Resources

All students should be aware of the following resources and processes available to students seeking more information about [Sexual Assault](#) or [Sexual Misconduct](#) or who believe they have experienced [Sexual Assault](#) or [Sexual Misconduct](#):

- **Xavier University Process Under the Student Handbook** – Xavier takes all allegations of [Sexual Assault](#) and [Sexual Misconduct](#) seriously and handles these situations pursuant to the process outlined in the Student Handbook. The University Conduct Board hears all cases of alleged [Sexual Assault](#) or [Sexual Misconduct](#). The Board receives training on relevant topics and is equipped to conduct hearings where the complainant may present his or her case and the respondent has an opportunity to defend him or herself. The Board will make decisions regarding responsibility based on the information presented at the hearing and will make recommendations of sanctions, if any, to the Interim Dean of Students based upon that information, as well as prior student conduct violations for which the student was found responsible. The Board uses a "preponderance of the evidence" standard, which means that there is a finding of responsibility when the greater weight of the evidence (more than 50%) supports such a finding.

The University Conduct Board process can be used whether or not you pursue any of the other options and resources included in this list.

- **Filing a Police Report or Pursuing Criminal Charges** – A violation of this Student Handbook may also be a violation of Ohio law. Students may contact Xavier Police or another law enforcement agency to file a police report or to talk with a law enforcement officer about the possibility of filing a police report. Information on requesting a no contact notice can be found in section 19.22 of this handbook.
- **Xavier University Advocate Program** – Xavier Advocate representatives are available 24 hours a day to provide confidential support, information, and advocacy to anyone who believes they have been a victim of [Sexual Assault](#) or [Sexual Misconduct](#). Call 513-745-1000 anytime to be connected with an advocate. For more information, visit www.xavier.edu/advocate.
- **If You Experience a Sexual Assault, You Can Have an Exam Done by a Sexual Assault Nurse Examiner** – A Sexual Assault Nurse Examiner (SANE) is a registered nurse (RN) who has received special training in order to provide comprehensive care to the [Sexual Assault](#) patient, and who has been specially trained on collecting forensic evidence (evidence that is suitable for use in court). The SANE will discuss what happened to you, do an exam looking for injury, and may provide medication to decrease your chance of getting sexually transmitted infections. In addition to medical treatment and forensic evidence collection, you will be provided the names of other professionals who will be available to you on a referral basis for follow-up care.

If you believe you have been Sexually Assaulted it is best if you do not bathe, shower, change your clothes, or brush your teeth after the assault since some evidence may be lost. If you have done any of these, you can still come in and discuss it with the SANE, and an exam can still be done.

A SANE nurse is available through Cincinnati's University Hospital. Xavier Police are available to transport or arrange for the transport of victims of [Sexual Assault](#) to University Hospital; the Xavier Advocate Program (see above) can have an advocate accompany the victim to the hospital and remain at the hospital. The services of a SANE nurse are provided free of charge to victims; these services are paid for by the State of Ohio.

B. Sexual Misconduct and Sexual Assault Offenses – Definitions

[Sexual Misconduct](#) and [Sexual Assault](#), defined below, occur when an unwelcome [Act](#) of a sexual nature is perpetrated by any person against another person without that person's [Consent](#), or when that person is unable to freely give [Consent](#). Xavier University prohibits any [Act](#) of [Sexual Misconduct](#) or [Sexual Assault](#), including the offenses described below and the definitions that follow. These types of [Sexual Misconduct](#) and [Sexual Assault](#) can occur between people of different genders or of the same gender or against a community of people.

C. Types of Sexual Misconduct and Sexual Assault:

- **Non-Disclosure of Known Positive HIV Status or STD**

Individuals are responsible for disclosing any known positive HIV status or known sexually transmitted disease prior to engaging in any [Act](#) that could spread the disease or infection. Failure to do so is a violation of this Policy.

- **Sexual Harassment**

Conduct that constitutes sexual harassment can be verbal, visual or physical and may be through telephone or electronic contact. It may be direct or explicit or it may be inferred from the conduct, circumstances and relationship of the individuals involved. What constitutes sexual harassment will vary with particular circumstances, but it generally consists of unwelcome sexual advances, explicit or implicit requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is an explicit or implicit term or condition of education, employment, or participation in other University activities;
- Submission to or rejection of such conduct is used as a basis for an employment, academic, or research decision affecting the individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, or status; or
- Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive University environment.

Sexual harassment need not be intentional. Behavior is sexual in nature if a reasonable person could have interpreted the alleged behavior to be sexual. The intent of the person who is alleged to have committed sexual harassment is not relevant in determining whether sexual harassment has occurred.

(Source: Xavier University Harassment Code and Accountability Procedures, Section 4.1.6, www.xavier.edu/hr/documents/Employees/harassmentcode.pdf)

- **Public Indecency**

Masturbating or flashing/exposing breasts or genitals to others in a public and/or uninvited manner. Also includes engaging in an activity in public appearing to an ordinary observer to be sexual conduct or masturbation.

- **Voyeurism**

Trespassing, secretly invading the privacy of another, spying or eavesdropping upon another, usually with the purpose of sexually

arousing or gratifying oneself (e.g., watching a person or persons in an intimate setting without that person's permission). Voyeurism may involve telescopes, still and film cameras, audio recording, or other technologies.

- **Stalking**

A pattern of conduct that causes or is intended to cause another person to believe that the offender will cause physical harm or mental distress to the other.

- **Sexual Exploitation**

Without the person's consent, taking sexual advantage of another for one's benefit or the benefit of a third party.

- **Sexual Imposition**

Touching of another when the touching is unwanted or offensive to the complainant, including the touching of thighs, genitals, buttocks, the pubic region, or the breast/chest area, without the person's [Consent](#), or when [Coercion](#) is used.

- **Rape**

Rape is any [Act](#) involving vaginal or anal penetration (with any body part or object) or oral sex by a man or a woman that takes place without the other person's [Consent](#), or that is Coerced.

- **Sexual Misconduct – Other**

A respondent may be found responsible for [Sexual Misconduct](#) – Other if his or her actions meet the definition of [Sexual Misconduct](#) but do not meet the definition of any particular offense listed in this section.

- **Sexual Assault – Other**

A respondent may be found responsible for [Sexual Assault](#) – Other if his or her actions meet the definition of [Sexual Assault](#) but do not meet the definition of any particular offense listed in this section.

- **Retaliation**

[Retaliation](#) against a complainant of [Sexual Misconduct](#) or [Sexual Assault](#) is prohibited.

D. Related Definitions:

The following definitions apply to this Sexual Misconduct and Sexual Assault Offenses section.

"Act" includes but is not limited to sexual intercourse, anal sex, oral sex, sexual penetration with an inanimate object, the touching of a person's intimate parts (including genitalia, groin, breast, buttocks, or clothing over these parts), or compelling a person to touch his or her own

or another person's intimate parts without [Consent](#).

"Coercion" means compelling another person to do something through emotional or physical pressure, threats, or other forms of intimidation. Real or perceived power differentials between individuals also may create an atmosphere of Coercion that can significantly impair a person's ability to [Consent](#).

"Consent" means mutually understandable words or actions that demonstrate a voluntary agreement to engage in mutually agreed-upon sexual acts. Consent must be informed, active, and freely given. Consent is invalidated when it is forced, [Coerced](#), or when a person is physically and/or mentally incapable of consenting because of incapacitation. Such incapacitation can occur because of the intake of alcohol or drugs, among other reasons, and may be characterized by a loss of balance/inability to walk without stumbling, slurred speech, an inability to focus their vision, vomiting, or passing out. *Non-action as a response does not constitute active or affirmative Consent, and unwillingness may be expressed verbally or physically.* In reviewing an allegation of [Sexual Misconduct](#) or [Sexual Assault](#), Consent is a critical factor in determining whether there is a violation of this policy. It is the responsibility of the individuals to engage only in mutually agreed upon sexual activity and it is the responsibility of the person initiating sexual activity to obtain Consent.

"Sexual Misconduct" is an [Act](#) committed regardless of whether there was intent to harm another or not and where, by failing to correctly assess the circumstances, a person believes unreasonably that [Consent](#) was given without having met his or her responsibility to obtain [Consent](#). Sexual Misconduct may also include other incidents of a sexual nature which do not involve physical contact (e.g., offensive sexual words or comments, sexual gestures, etc.). Situations involving physical force, violence, threat, or intimidation fall under the definition of [Sexual Assault](#), not Sexual Misconduct, and will be treated as such. In some cases, consensual sexual activity may occur before Sexual Misconduct or after Sexual Misconduct.

"Sexual Assault" occurs when an [Act](#) is committed by a) physical force, violence, threat, or intimidation; b) ignoring the objections of another person; c) causing another's intoxication or impairment through the use of drugs or alcohol; or d) taking advantage of another person's inability to [Consent](#). In some cases, Consensual sexual activity may occur before a Sexual Assault or after a Sexual Assault.

E. Sanctions

The University Conduct process is primarily intended to be an educational and developmental process. If the University Conduct Board determines that a respondent is "responsible," then the Board will make its

recommendation of sanctions, as described below.

Benchmark Sanctions:

If the University Conduct Board finds a respondent “responsible” for any of the [Sexual Misconduct](#) or [Sexual Assault](#) Offenses, the following Benchmark Sanctions are a starting point for determining the appropriate sanction for a finding of responsibility. These benchmark sanctions are intended to offer guidance to the University Conduct Board and to alert students to the serious nature of [Sexual Misconduct](#) and [Sexual Assault](#). Although the benchmark sanctions generally represent the Xavier Community’s understanding of appropriate sanctions for the offenses listed because of the serious nature of any [Sexual Misconduct](#) or [Sexual Assault](#), circumstances may warrant more serious or less serious sanctions or use of alternative sanctions. The University Conduct Board, in its sole discretion, will make a recommendation of sanctions to the Interim Dean of Students, based on the facts and circumstances represented by the particular matter, including whether the University Conduct Board determines that the finding of responsibility for a particular offense was an act of [Sexual Misconduct](#) or an act of [Sexual Assault](#). In all cases, the Interim Dean of Students will consider the Conduct Board’s recommendation of sanctions and use his or her discretion to assess sanctions against the responsible student. With respect to any Level 1 Offense, the Interim Dean of Students will discuss the Conduct Board’s recommendation of sanctions with the Associate Provost for Student Affairs and the Academic Vice President and Provost.

Level 1 Offense:

The benchmark sanction for a respondent found responsible for a Level 1 Offense listed below is expulsion.

- Rape
- Sexual Assault – Other

Level 2 Offense:

The benchmark sanction for a respondent found responsible for a Level 2 Offense listed below is a one year suspension from classes and all activities, and removal from campus.

- Sexual Imposition
- Non-disclosure of known positive HIV status or STD

Level 3 Offense:

The benchmark sanction for a respondent found responsible for a Level 3 Offense listed below is a 1 semester suspension from classes and all activities, and removal from campus.

Sexual Harassment
Public Indecency
Voyeurism
Stalking
Sexual exploitation
Sexual Misconduct – Other

19.31 Smoking/Non-smoking Areas

All Xavier buildings are smoke free. Therefore, smoking is prohibited in residence hall rooms and any public areas such as hallways, stairwells, lounges, bathrooms, kitchens, laundry rooms, offices, and common areas.

In order to provide a smoke-free entry to buildings, students and others who choose to smoke should do so at least 15 feet away from any building entrance (e.g. a residence hall or apartment.) Students are responsible for informing their guests of this policy and ensuring that guests adhere to it.

Any instrument, vessel, or device (e.g., bong, pipe, rolling papers, hookahs, etc. - this list is illustrative not exhaustive) used to smoke illegal substances in the commission of a violation of Xavier policy or state law is considered contraband and is prohibited. Such items will be confiscated and conduct charges may be levied.

19.32 Solicitation

Individuals are prohibited from sponsoring or hosting the sale of products or devices on campus, or using University resources or technology for the sale or distribution of any products or devices, without written permission from the Interim Dean of Students or designee, or the Director of Residence Life. Door-to-door solicitation is strictly prohibited.

19.33 Travel Policy

All groups and/or student organizations are required to complete the following items when traveling:

- Assumption of Risk/Release and Medical Emergency Form
- Club/Organization Itinerary Form

A copy of the full text of this policy is available as a link to the Interim Dean of Students' website: <http://www.xavier.edu/deanofstudents/>.

In addition, if University dollars are being used to support transportation to an event where there is potential of alcohol consumption (i.e. transportation to an event, activity, or entertainment opportunities), a University

representative or authorized security must be present on buses/vehicles.
(*Xavier University Alcohol and Other Drugs Policy, p. 9*)

19.34 User Accounts

Xavier has developed a policy specifying eligibility for user email and computer accounts for students, faculty, and staff at Xavier University, and describes the processes for creation and deletion of user email and computer accounts. See the full Policy on User Accounts for more information.
[Http://www.xavier.edu/policy/documents/User-Account-Policy.pdf](http://www.xavier.edu/policy/documents/User-Account-Policy.pdf).

19.35 Weapons

The possession of, use or storage of any firearm, ammunition, explosive device (including fireworks), or other deadly weapon in any form is prohibited on any Xavier University property on in a facility or on any property owned, leased, or operated by the University, except by authorized law enforcement personnel.

"Weapons" include, but are not limited to, martial arts weapons, knives (other than those necessary for cooking or approved university activities), bows and arrows, air guns, shot guns, BB guns, paintball guns, rifles, pistols and any other type of deadly weapon, or weapons that can cause bodily harm.

In accordance with section 2923.126 (C-3) of the Ohio Revised Code, Xavier University has the authority to post a sign in a conspicuous location "prohibiting persons from carrying firearms of concealed firearms" onto campus. "A person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of division (A) (4) of section 2911.21 of the Revised Code and is guilty of a misdemeanor of the fourth degree."

All unauthorized weapons shall be seized by the Xavier University Police and held for safe keeping pursuant to established departmental procedures, or turned over to the local police/fire department for disposal. Weapons seized from individuals who are duly licensed to carry concealed weapons pursuant to section 2923.125 or 2923.1213 of the Ohio Revised Code, may, in the discretion of the Xavier Police, be returned to said individual upon request and proof that their valid license/permit. Returns shall be made at the Xavier University Police Department under strict safety guidelines.

Any student determined to have violated this policy is subject to conduct charges. If the guest(s) of a Xavier student is found in violation of the Weapon's Policy, he/she will be subject to criminal charges, and other requirements (e.g. banned from campus) will be imposed. Additionally, the student who hosted the non-Xavier guest(s) may be held responsible for the actions of that guest(s) through the University conduct process.

20.0 INFORMATION AND GUIDELINES

20.1 Student Injury or Illness

A student should notify Xavier Police or a University Official immediately in case of significant personal illness. If emergency health services are needed after Health Center hours, a Residence Life staff member or a Xavier Police Officer can contact the University Medical Director for assistance. **University employees cannot transport a student to the hospital.** Any visit to the hospital will be at the student's expense. It is advisable for the student to check with his/her insurance agency to see if hospital visits are covered by his/her health care plan. If a student is not covered, an insurance plan is required and may be purchased at student rates through the McGrath Health and Wellness Center. Contact the Health & Wellness Center's Director at (513) 745-3022 for further details and charges.

Good Samaritan Hospital has an information connection with our Health and Wellness Center. If service is received at Good Samaritan, the results can be obtained by the Health and Wellness Center, avoiding duplication of tests. Use of the facilities at Good Samaritan is encouraged for convenience, but the final selection of a hospital is left to each student's discretion.

20.2 Inclement Weather Policy

Listed below are the basic categories of University response to serious inclement weather and/or emergency conditions. The University's Weather/Emergency Conditions Hot Line can be reached at 513 395-8822. XU ALERT ME will provide Xavier with another communication tool to keep students, faculty, and staff informed during threatening situations and weather-related closings. Announcements on local TV and radio stations will indicate which category applies:

A. Classes are cancelled/University closed:

Classes will not be held and/or University offices will be closed. University employees are not expected to report to work unless specifically contacted by their supervisor to report for emergency operations. **It is expected that the use of this category will be rare.**

B. Classes are cancelled/University Offices on delayed start:

On such days, classes before the defined time are cancelled and University offices will not open until a specific time. Employees are not required to report to work prior to the announced start time and will not be required to make up the missed time. Emergency essential personnel should still report as scheduled.

- C. Notification:** The University will provide updates on the University website at www.xavier.edu and <http://portal.xavier.edu/>. In the event that classes are cancelled and the university is closed, XU ALERT ME will be activated to send voice and text messages to those who are registered in the emergency notification system. This system is not activated to announce delayed starts.
- D.** In the event of a severe thunderstorm/tornado warning, (but not severe thunderstorm/tornado watch), alarm sirens will be sounded in the city. Members of the University community should immediately tune to a local TV or radio station to determine which type of storm is occurring. If there is a severe thunderstorm warning, it is safe to remain in a residence hall room. In the event of a tornado, residence life staff will instruct residents to stay in basement corridors, not rooms or apartments of the building. Keep clear of windows. Failure to heed instructions of staff is grounds for student conduct actions.

20.3 Online Communities

Online communities such as Facebook and Twitter have become very popular among college students as they develop and foster relationships among their peers. While students can connect with one another in positive ways through these means, caution must be taken to not disclose information that could potentially have a long-term negative impact. For example, when detailed information is shared such as phone numbers, place of residence, and a student's whereabouts, that information may be available to any user of the website. By agreeing to the terms of use, information becomes susceptible to replication and/or inspection by advertisers, third parties, and law enforcement, among others. Additionally, employers, graduate schools, and campus organizations may use information gathered from online communities as they are making decisions. Please act responsibly and safely when using these websites.

20.4 University Protocol for Campus Public Speakers and Events

- A.** As a Catholic University in the Jesuit tradition, Xavier recognizes and accepts its corporate mission to represent those established principles, ideals, and convictions on which the integral Christian and American heritage is founded.

- B.** The University is governed by the basic assumption:
- Commitment to these principles, ideals and convictions is totally consonant with Xavier's mission as a Jesuit, Catholic institution, with human freedom;
 - Religious insights and values are complementary to the intellectual life; and
 - A continuing synthesis between the Christian perspective and all forms of knowledge is essential to a more perfect wisdom and understanding.
- C.** Hence, it is understood that the sponsoring of speakers by any University group is not to be taken as an institutional endorsement or as an endorsement by the sponsoring group, but rather as an exercise of that group's legitimate interest in serious inquiry and examination.
- D.** Sponsorship by a properly constituted University group will be questioned or canceled by the appropriate administrator only for the most serious reasons. The sponsoring group shall retain the right to appeal an adverse administrative ruling to an Ad Hoc Faculty/Student Appeals Board. The Board shall consist of three (3) faculty members appointed by the Chair of the Faculty Committee, two (2) administrators appointed by the Associate Provost for Student Affairs, and two (2) students appointed by the President of the Student Government Association. After reviewing the conclusion of this Board, the President of the University, or his designee, will make the final decision.
- E.** A copy of the full text of this policy is available on the Interim Dean of Students' website: <http://www.xavier.edu/deanofstudents/>

20.5 Statement on Sexual Orientation

- A.** Central to Xavier University's mission and identity as a Catholic, Jesuit University is its belief that all members of the University community—students, faculty, staff, administration and alumni—are children of God, redeemed through His Son, Jesus Christ. Flowing from this shared and sacred identity is the requirement that all members of the University Community intend nothing less than the happiness and fulfillment of one another, a fulfillment that is, while distinctly human, nonetheless, divine in origin.
- B.** Consequently, discrimination against and harassment of one member of the University community by any other member of the University community, strikes at the very heart of this institution. Roman Catholic doctrine teaches us that such offenses are especially egregious when directed against the more vulnerable and marginalized members of the community. Indeed, the Church teaches that special efforts to include and encourage these community members are always praiseworthy in

God's eyes.

- C. It must be recognized that gay, lesbian, bisexual, or transgender people and those questioning their sexual identity constitute one such vulnerable population within the University community. Hence, this University states unequivocally that gay, lesbian, bisexual, or transgender students, faculty, staff, administrators, and alumni are welcome members of the University community, including its gay, lesbian, bisexual, or transsexual members, as the children of God they are.
- D. Not only does the University call upon each and every one of its members to respect and honor all other members as brothers and sisters in one Lord God, it also draws to the attention of all its members the traditional and wise Catholic moral teaching that properly locates sexual activity within the relationship of a man and a woman united for life through marriage as husband and wife. Our religious identity therefore impels us to recognize the norm of chastity for everyone, whether homosexual or heterosexual, just as that same identity likewise impels us to recognize the norm of universal love and respect.
- E. The University recognizes that some will feel that amending the University's Non-discrimination Policy would constitute a preferable mode of declaring the University's stance on this issue. Given the imprecise legal definition of the terms involved, and the ongoing attempts to codify shifting societal attitudes both through statutes and legal precedent, the University deems this step unwise and inappropriate. The distinctions between sexual orientation and sexual conduct essential to Catholic teaching may not be the chief consideration of civil authorities and judicial bodies. As a Catholic, Jesuit University, Xavier University must always and will always avoid any attempts by external civil judicial bodies to determine how it may or may not conduct itself according to its special religious identity.

20.6 Theft

- A. **Meal Plan Verification at Campus Food Outlets**
In order to use your meal plan, Dining Dollars, or XCash at any of the University campus dining outlets (e.g., Hoff Dining Center, OutTakes, Ryan's Eatery & Pub, or any of the retail outlets in GSC) a student must present his/her ALL Card in order to verify that the account is valid and active. Failure to present a non-transferable ALL Card will constitute the student not being permitted to enter the dining facility or order food to go until the ALL Card is retrieved and presented. No student will be permitted to give his/her name or number to gain entrance to the dining facility whether the student has a meal plan or not. The ALL Card must be presented every time before entry is permitted with no exceptions (including student leaders, student athletes, and members of student organizations). Any violation of this policy by entering the dining facility

either without presenting the ALL Card or not paying for the meal will be considered theft and the student will be held responsible through the University conduct process.

B. Dining Facility Property

All non-disposable items used for eating a meal in the dining facility (e.g., flatware, plates, bowls, glasses, cups, saucers, trays) are the property of Xavier Dining Services and are not to be removed or taken from the dining facility. Any such items identified outside of the dining facility that are identified as part of the Xavier Dining Services inventory will be confiscated and returned to Xavier Dining. Students found in possession of such items outside of the dining facility will have violated the Code of Student Conduct and will be charged through conduct process.

C. Unreasonable removal of food from the Dining Facility

While it is within reason and permissible that a student may wish to leave the dining facility with a dessert or piece of fruit (e.g., cookie, ice cream cone, apple, or banana) removing large quantities of food that may be used to feed others at a student gathering or for the purpose of “stock-piling” food at one’s residence is strictly prohibited and will be considered stealing and a violation of the Code of Student Conduct.

D. Common area furniture is provided for the use of all residents and guests in the common area. Removing furniture from a common area of any University-owned building may subject the individual to disciplinary action.

E. All thefts in the residence halls and apartments should be reported immediately to the Residence Life staff and to Xavier Police. A Xavier Police Officer will assist you in filling out forms necessary for any insurance claim. Although the University takes normal precautions to safeguard property, it is not responsible for theft, loss, or damage to student property. It is strongly recommended that each individual secure insurance coverage for all items of personal property as well as taking precautionary steps (e.g., locking your residence) to prevent opportunity thefts from occurring.

20.7 XU Alert Me

A. Providing a safe and secure environment for our students, faculty and staff is a top priority at Xavier. The University has created XU ALERT ME which will contact members of the campus community through text, e-mail and voice messages in the event of an emergency situation.

B. XU ALERT ME will provide Xavier with another communication tool to keep students, faculty, and staff informed during threatening situations and weather-related closings. In order to receive text, e-

mail and voice messages, you must provide your cell phone number, preferred e-mail account and telephone number to the University by going to the XU Alert Me tab on the MyXU campus portal. For more information on how to subscribe to XU ALERT ME go to: <http://www.xavier.edu/administrativeservices/Sign-Up.cfm>

- XU ALERT ME will be activated when the University determines a serious threat exists and the campus community must take immediate action to remain safe and secure. The system will also be used to announce an unscheduled University closing or cancellation of classes due to severe weather.
- XU ALERT ME will make up to three (3) attempts to call each phone number in the call distribution list. The first attempt will be completed in less than 30 minutes. For those phone numbers not reached because of a busy signal or no answer, the system will attempt to reach those phone numbers up to two more times. Once a call is answered by a human or voice mail, the system will not attempt to reach that phone number again. Text messages will only be sent once.
- There is no cost to sign up for this notification service. Whenever the system sends a message to your personal phone, you are responsible for any charges from your phone service provider associated with receiving voice or text messages.
- In addition to XU ALERT ME, the university will continue to use its well-established communications methods including:
 - The Xavier University web site.
 - Campus broadcast e-mails and voice messages.
 - The university/weather closings hotline (513 395-8822).
 - Local media.

21.0 University-Owned Housing Policies and Responsibilities

The following policies and responsibilities specially pertain to and are in place for students living in University-owned housing.

By signing a University owned housing agreement, the student is entering into a legal, binding contract. By signing this contract, each student agrees that the accommodation shall be available for reasonable investigation or routine inspection by authorized persons. The University recognizes the right of students for privacy under ordinary circumstances, and as a matter of policy, the University will not search quarters except in instances which the Interim Dean of Students or the Associate Provost for Student Affairs considers there is sufficient reason to believe a violation of the law or University policy is occurring or has occurred, or for reasons of health, safety, or maintenance or in instances of emergency. Failure to adhere

to any of these policies may result in University conduct procedures.

21.1 Alcohol Policy (Residence Life Alcohol Regulations)

In the State of Ohio, the legal age for consumption of alcohol is 21. Students under the legal age, who consume, possess, buy, serve or sell alcoholic beverages, or individuals who sell to or serve minors, are in violation of both state law and University policy.

Possession and consumption of alcoholic beverages is permitted when in accordance with the Policy as outlined below:

- Staff members who are assigned to a "dry" area, but are of legal drinking age are permitted to consume alcohol only in the privacy of their room.
- In any University-owned housing, students who are of legal drinking age may possess or consume any alcoholic beverage to which they are legally entitled in the privacy of their room or apartment. In the event one roommate is of legal drinking age and another is not, each must observe the law as it pertains to him or her.

The possession or consumption of alcohol is not permitted in the following situations:

- Kegs, beer balls, and/or any large amount of alcohol are not permitted in any University-owned housing.
- Empty alcoholic beverage containers (e.g., cans, bottles, kegs, beer balls) are not permitted in student rooms or apartments. Empty or decorative containers are considered evidence of consumption and will be confiscated and destroyed.
- Consumption or possession of open containers of alcoholic beverages is not permitted in public areas without the specific authorization of the Office of Residence Life.
- Beer bongos and drinking games promote excessive drinking and are not permitted.
- No alcoholic beverages are permitted in Brockman Hall.
- No alcoholic beverages are allowed in any residence hall area where all residents are under the legal drinking age. Consumption of alcohol is allowed for those of legal drinking age in upper class student rooms and in designated areas of the University during recognized events.

Other alcohol policy-related information is as follows:

- Alcohol-related conduct which infringes upon the rights of others to a quiet, orderly living environment is not acceptable. Consumption of alcohol, legal or otherwise, neither removes nor absolves a student from his/her responsibility to observe University regulations. A student will be denied the privilege of on-campus residency if he/she repeatedly violates the Alcohol Policy or if he/she poses a danger to self, others, or the environment when under the influence of alcohol. **Providing alcohol to a student, roommate or otherwise, who is not of legal drinking age will result in both parties being referred for student conduct proceedings.** Any signs of public intoxication will be grounds for student conduct proceedings.
- Falsified identification, or the possession of another person's identification, may be considered as evidence of intent to purchase alcohol under the legal age limit (21). Students in possession of false identification may also be charged with violation of Respect for University Values: Honesty and Integrity. Students who knowingly provide their identification to another student may also be charged with violation of Respect for University Values: Honesty and Integrity. .
- All residents and guests present in a room where a violation of Policy is occurring will be documented, are considered responsible for the behavior, and face disciplinary charges. (e.g., if underage consumption is occurring, all will be held responsible for the violation.)

21.2 Amplified Instruments

Students living in University-owned housing are entitled to an environment conducive to sleep and study. Any sound equipment that causes a community disturbance or that is misused may be confiscated temporarily or permanently. It is suggested that students use the music room in Buenger Hall or Edgecliff Hall.

21.3 Appliances

- Due to potential fire hazards, maintenance issues, and cleanliness concerns, the following appliances are not permitted for use in any University-owned housing, other than apartments, and will be confiscated: hot plates, coffee coils, toasters, toaster ovens, deep fat fryers, George Foreman grills, sandwich makers, etc.
- Halogen lamps are not permitted in any University-owned housing.
- Small appliances that may be used (with proper care) include: curling irons, blow dryers, hotpots and popcorn poppers with the heating element housing in a covered unit, irons, hot rollers. If there is a question about appliances that may or may not be used, contact the Office of Residence Life.

- Refrigerators, which do not exceed 4.3 cubic feet or use less than four (4) amps of power, and microwaves, which do not exceed 700 watts are also permitted. Refrigerators must be plugged directly into the wall or be the only appliance on a power strip. Refrigerators are provided in on-campus apartments. Therefore, additional full-sized or mini refrigerators and freezers in these residences are prohibited.
- In all residence halls, only one (1) refrigerator or microwave is permitted per residence hall bedroom.
- Use of power strips is strongly encouraged. Excessive or unsafe use of extension cords or plug adapters is not permitted. Multiplugs are not permitted. In University-owned apartments all UL approved appliances are permitted for use in the kitchen area.
- Items that are confiscated may be returned to the student to take home during a weekend trip or break period.

21.4 Candles/Incense/Oil Lamps

The possession of candles and/or incense (decorative or functional) is not permitted in on-campus housing facilities due to the fire hazard they create. Any damage caused by the burning of these items will be the responsibility of the responsible party/resident. Items will be confiscated.

21.5 Cleanliness

The Office of Residence Life will perform periodic Health and Safety Inspections. These will be done during the semester with 24-hour advance notice, as well as during break periods when halls are closed. Any room or apartment deemed a health hazard to the occupants and/or to other residents by the Office of Residence Life, or Physical Plant will result in the residents having 24 hours to thoroughly clean the room/apartments and properly dispose of waste. Upon failure to do so within 24 hours, the custodial staff will clean the room, with each resident being billed proportionately for the cost of labor. A second occurrence may result in referral for student conduct proceedings.

21.6 Damages/Vandalism

Each student is responsible for the condition of and damage to his/her housing space and shall reimburse the Office of Residence Life or Physical Plant for all damages and loss of furnishings. Upon checking into on-campus housing, each resident is responsible for completing a detailed inventory form in order to identify the condition of the unit. Upon moving out, the room or apartment must be in the same condition as when the student first occupied it. Final damage assessment will only be completed by Residence

Life non-student professional staff. A \$200 damage deposit must be maintained by all residents to ensure payment for damages. This damage deposit is maintained by the University Bursar for the duration of the student's residence on campus.

- A.** Students or student groups will be held responsible for any damage they do in any part of a building or property and will be billed for such damages. In the event of damage, which is not assignable to an individual, all members of a wing, floor, or building will be charged a prorated fee.
- B.** Students receive a refund of their damage deposit if no damages are evident in the room or apartment at the time the students permanently move out of on-campus housing. This refund will be credited to the student's Bursar bill. Students with a credit balance who desire a refund check must contact the Bursar's Office in writing. A minimum of a thirty (30) day waiting period is required.
- C.** Residents will be held responsible for any damages/vandalism caused by their guests.

21.7 Decorations

Students may decorate their rooms and apartments in a way that will be pleasing to them, without using paint on walls/ceilings, nails, scotch tape, or other materials that may damage the wall, ceiling, or floor surfaces of any room. Students will be held responsible for any damage caused in their rooms or apartments and will be billed for repairs. Failure to remove non-University furniture at the end of the year results in a charge for the removal and disposition of remaining items. Students should use the following guidelines for decorating (this list is meant to be illustrative, not exhaustive):

- A.** Fire safety precautions must be followed when decorating. No more than 50% of a wall or window glass can be covered.
- B.** Students may not use full or empty alcohol containers to decorate their rooms.
- C.** Decorations such as posters, cloth, pictures, or tapestries may not be hung from the ceiling, moldings, steel holder, or attached to anything along the ceiling, or cover any light fixtures due to a possible fire hazard.
- D.** Candles, incense, or other heat/flame producing items (including, but not limited to, halogen lamps, and oil lamps) are not permitted.
- E.** Residents should limit their decorations to their living space. Residents may decorate any designated space outside their living unit with materials

deemed appropriate within the University community. If there are concerns regarding what constitutes inappropriate decorations, contact a Residence Life staff member, as it is the sole responsibility of the Office of Residence Life to make such a determination. Materials containing pornography or profanity of any kind are never appropriate for decoration inside a room, in the space outside the living unit, or anywhere on the Xavier University campus.

- F. Duct tape, toothpaste, and colored sticky tack can cause damage to the walls and residents should not use these items to hang materials from the walls.
- G. Christmas/Holiday lights are permitted from November 15-December 31. Lights must be hung without causing damage and only be lit when residents are awake in the room/apartment. Lights left burning for long periods of time may cause burn marks on walls, and charges will be assessed for damages.

21.8 Furniture

All furniture and furnishings provided must remain in the room/apartment/house and be used in the manner intended.

- A. Specifically, closets doors are not permitted to be removed for any reason as it causes damage to the cabinets/closets and hardware.
- B. In suite-style halls, residents are not permitted to put four beds in one room and make the other room into a "living room."
- C. Public area furniture is intended for use by the entire community, and as such, should not be removed from the area where it is placed.
- D. Waterbeds are not permitted in any University-owned housing.
- E. Lofts are not permitted in any University-owned housing due to possible damage and injury they can cause. The only exceptions are the University-supplied lofts in some expanded occupancy rooms and in RA rooms in Buenger Hall.

21.9 Guests

- A. Any visitors must be the guests of the residents of the apartment/building in which they are visiting. Siblings (15 years of age and older) visiting students must stay with someone of the same gender. Guests should be escorted at all times and may only stay as long as they observe the procedures, policies, and regulations established by the residents, the staff, and the University. Residents are held responsible for their guests' behavior. A resident may have no more than one overnight guest at any

given time, with the roommate's permission.

- B.** Any guest of the same gender who stays overnight may do so only with the permission of the roommate. If a guest intends to stay more than two consecutive nights in University-owned housing, permission must be granted from a Residence Life professional staff member or the Assistant Director of Apartments and Off-Campus Living. The guest is considered a trespasser and subject to removal if the above procedures are not observed.
- C.** Members of the opposite sex may be in individual student rooms or apartments only during visitation hours which are: Sunday through Thursday, 10:00 a.m. to 1:00 a.m., and Friday and Saturday, 10:00 a.m. to 2:00 a.m. The rights of, and courtesy toward, the roommate(s) will always supersede the right of a resident to have a guest.
- D.** In order to make sure that all residents would be able to vacate a building during an emergency in a timely and safe manner the following guest guidelines have been established:
 - In rooms that are designated "expanded occupancy", each resident may have one (1) guest - with no more than six (6) people in the room at any time. (If a resident is not sure if his/her room is expanded occupancy, he/she should check with the RA or Hall Director).
 - In rooms that are not designated "expanded occupancy" but are located in Brockman, Husman or Kuhlman Halls, each resident may have one (1) or two (2) guests, but the room may not have more than six (6) people at any one time.
 - In all other areas on campus (Buenger Hall, the Village, the Commons, 1019 Dana, Manor House, and University Apartments) each resident may have one (1) or two (2) guests per person, but no more than ten (10) people per apartment or suite are allowed.
- E.** The guidelines for all areas are in effect 24 hours a day. Please refer to the visitation policy for specifics about when members of the opposite gender can be in each room.

21.10 Lockouts

Residents are responsible for carrying their keys and ALL Card at all times. If a key or ALL Card is lost or misplaced, the student should see a Residence Life staff member immediately. No keys or ALL Cards may be loaned. If a student is locked out of his/her room, there will be a charge for having the residence hall room or apartment door opened.

Lock-outs are \$5.00 at all times in the Residence Halls and \$10.00 in the

Apartments. If a student loses a key it is \$50 per key. If a student has an ALL Card as a door key and it needs to be replaced, it is \$25.00.

21.11 Pets

For health and sanitary reasons, students may not keep animals of any kind, with the exception of tropical fish (no piranhas), in University-owned housing. Fish tank size is limited to less than ten (10) gallons. The care of fish is the resident's responsibility.

Health laws require extermination and deodorization procedures after removal of an animal if it has been kept in the hall. These services will be performed at the expense of the violator. Pets of guests are also prohibited.

21.12 Quiet Hours/Noise

All students are expected to respect the rights of their fellow students at all times. Noise coming from any room should barely be audible in adjacent rooms or common areas. Quiet hours will be enforced from 10:00 p.m. on Sunday through Thursday nights until noon the following day, and from 1:00 a.m. until noon on Saturdays and Sundays in all residence halls and apartments.

- A.** Students may elect to establish additional quiet hours which are to be posted on the wing or area and to be adhered to by guests. All other hours are "courtesy hours"; meaning that if a fellow resident or staff member asks for reduced noise, the request will be honored.
- B.** Electronic equipment or other items causing excessive and repeated noise will be confiscated temporarily or permanently due to the disruption to the community.
- C.** Each semester, 24- hour quiet hours begin at 1:00 a.m. the Saturday before finals and extend until the closing of the halls. Any student who fails to cooperate with this policy may be fined and/or immediately removed from on-campus housing.

21.13 Restricted Areas

Some areas in the residence halls and apartment complexes are restricted and not for general student use. These include electrical or mechanical closets, maintenance break rooms, and storage rooms. Other areas may be designated as restricted by the Office of Residence Life. Students are not allowed on any roof or overhang. Students whose rooms or apartments are adjacent to roof areas will be held accountable for students or guests who use their room to gain access to roof areas.

Common area bathrooms in Brockman Hall are designated by gender and should only be used by members of that gender. Students are

responsible for informing their guests of this policy and ensuring that guests adhere to it.

21.14 Thermometers

All mercury-filled thermometers, elemental mercury or other mercury containing devices are banned from campus.

21.15 Trash

In order to maintain a safe and clean living environment for all community members, trash should be disposed of properly in trash rooms or dumpsters. Improper disposal of trash can lead to pest problems. Failure to properly dispose of trash is a violation of University policy and conduct charges may be levied.

21.16 Unauthorized Room Change

Because of the importance of knowing in an emergency where all students are living, it is imperative that students complete appropriate paperwork and receive permission prior to making a room change. Failure to do so will result in disciplinary action.

21.17 Visitation

Members of the opposite gender may be in individual student rooms or apartments and on single gender wings only during visitation hours, which are: Sunday through Thursday, 10:00a.m.to 1:00 a.m., and Friday and Saturday, 10:00 a.m. to 2:00 a.m. The rights of, and courtesy toward, the roommate(s) will always supersede the right of a resident to have a guest. Same-gender overnight guests may stay no more than two consecutive evenings. Guests must be escorted at all times and may only stay as long as they observe the procedures, policies, and regulations established by the residents, staff and University. Residents are held responsible for their guests' behavior.

21.18 Windows

University Policy forbids removing window screens, and dumping, throwing, or projecting objects from the windows of any University-owned facilities. Individuals who are found responsible for such behavior are subject to University conduct proceedings. Residents are responsible for the actions of their guests.

A. In order to maintain the appearance and safety of University-owned housing, residents may not store items on window ledges and balconies or hang items outside their windows.

- B.** Residents may not place any signage deemed inappropriate, offensive, illegal, or inflammatory in their windows where the general University community can view such items.

22.0 Xavier University Appeal Request Form

A student has the right to appeal the decision or the sanction imposed by either an Administrative Hearing Officer or Board. Appeals are not re-hearings and they are not granted on the basis of disagreement with the decision of the original hearing. Upon receipt of the outcome of the hearing, a student has five (5) working days to file a written appeal. Appeal forms may be obtained in the office of Student Affairs, Gallagher Student Center, GSC 300.

A student may appeal only on the following grounds:

- There was denial of the elements of a fair hearing.
- There was insufficient evidence to establish responsibility.
- The disciplinary action taken can be shown to be arbitrary or capricious.
- There is new evidence to present that was not available at the time of the original hearing.

The written appeal must state the grounds and the rationale for claiming that an appeal is warranted. Failure on the student's part to attend a hearing will not be grounds for an appeal. If the appeal does not meet one of the criteria above, the student will be notified in writing that the appeal is denied, and that the initial decision and sanction will remain in effect. If the appeal meets one of the criteria above, a review of the issue will be considered, and the student will be notified of the result as soon as practical.

| | | | |
|---------------|----------------------|--------------|----------------------|
| Name | <input type="text"/> | Phone Number | <input type="text"/> |
| Local Address | <input type="text"/> | Cell Number | <input type="text"/> |
| City: | <input type="text"/> | State | <input type="text"/> |
| | | Zip Code | <input type="text"/> |
| Email: | <input type="text"/> | Banner ID#: | <input type="text"/> |
| | | Date | <input type="text"/> |

Violations

Administrative Hearing Officer/Board:

Sanction/Action Assigned:

Date of Original Offense:

Reason(s) for Appeal:

- There was a denial of the elements of a fair hearing. (What element?)
- There was insufficient evidence to establish responsibility. (Explain)
- The disciplinary action taken can be shown to be arbitrary or capricious. (How?)
- There is new evidence to present that was not available at the time of the original hearing. (Why wasn't it available?)

Select who you prefer to hear your appeal if granted:

- Administrator Appeal Board No Preference

Explain in detail the reasons the above boxes were checked. The appeal will be decided on your stated rationale, so please be as specific as possible. Please return this form to the office of Student Affairs, Gallagher Student Center, Room 300. It is strongly suggested that students do not submit a hand written appeal.