



XAVIER
UNIVERSITY

STUDENT HANDBOOK

2013-2014

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PART 1. GENERAL INFORMATION

Section 1.1. Introduction to the Xavier Student Handbook

1.1.1. Vision Statement of Xavier University

Xavier men and women become people of learning and reflection, integrity and achievement, in solidarity for and with others.

1.1.2. Mission Statement of Xavier University

Xavier is a Jesuit Catholic university rooted in the liberal arts tradition. Our mission is to educate each student intellectually, morally, and spiritually. We create learning opportunities through rigorous academic and professional programs integrated with co-curricular engagement. In an inclusive environment of open and free inquiry, we prepare students for a world that is increasingly diverse, complex and interdependent. Driven by our commitment to the common good and to the education of the whole person, the Xavier community challenges and supports students as they cultivate lives of reflection, compassion and informed action.

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

1.1.4. 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. Additional policies, guidelines and procedures may be utilized by offices, colleges, departments or programs within Xavier consistent with the policies in the Student Handbook. In the event of a conflict between those policies, guidelines or procedures and the Student Handbook, the Student Handbook will apply unless otherwise noted herein.

The contents of this Handbook apply to all students who represent Xavier in any capacity where University resources (human or fiscal) support a program, event, or trip (domestic or international). It is within the rights of any faculty member, club or organization advisor, or any person functioning as a University agent and a 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 Xavier at the person’s personal expense.

Any violation of this Handbook will be handled according to the Student Conduct Process set forth in Part 3 of this Handbook.

1.1.5. Official Version Provision

All students are responsible for knowing, understanding, and abiding by the terms of the official version of this Handbook.

The official version of this Handbook is located on Xavier’s website at <http://www.xavier.edu/studenthandbook>. The link to the official

version of this Handbook will be emailed to all students annually. The University reserves the right to make changes to the Student Handbook at any time. 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. This version is authorized for use effective as of its posting to the Director of Student Integrity's [website](#) and replaces any prior versions, including any prior statements regarding Standards of Student Conduct at Xavier University.

1.1.6. Official Email Address for University Correspondences

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. **Check this email account regularly as you are responsible for all correspondence received at that address.** Questions regarding your email account can be addressed by contacting the Help Desk at 745-HELP.

Section 1.2. Student Issues

1.2.1. Statement on Student Rights

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, Xavier has adopted the following:

- Applicants who meet specifically stated requirements will be eligible for admission to Xavier 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. (Admission may be denied based on prior criminal history.)

- 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.
- 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.
- 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.
- Students will be informed of all rules, rates, and regulations deriving from contractual arrangements with Xavier before signing any such contracts.
- 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.
- Students are free to form, join, and participate in campus organizations for educational, religious, social, political, cultural or other purposes.
- 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.
- Students' records may be released in accordance with provisions of the Family Educational Rights and Privacy Act of 1974 (see Section 1.7, "Family Educational Rights and Privacy Act" of this Handbook) or as outlined in Section 3.6.3 ("Confidentiality and Disclosures") of this Handbook.
- Students are free, individually or in association with other individuals, to engage in activities not sponsored by Xavier, exercising their rights as citizens of the community, state and nation, provided they do not purport to represent Xavier.

- 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 Xavier community.
- 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.
- Students will be exempt from disciplinary action or dismissal from Xavier except for academic ineptness or lack of reasonable progress, failure to pay University debts, or violation of student or University rules and regulations.
- 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.
- 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.
- Editorial freedom in student publications and media shall be given under the following guidelines:
- 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.
- All University published and/or financed student publications should explicitly state on the editorial page that, “the opinions expressed are not necessarily those of Xavier or of the student body.”
- 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.

- Students have the right to establish and maintain duly constituted governments, associations, and organizations to the extent approved by Xavier. A statement of purpose and/or a constitution shall be submitted for approval to the Office of Student Affairs or designee to become officially recognized by Xavier.

1.2.2. Academic Standing

1.2.2.1. Good Standing

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

1.2.2.2. Academic Transcript

Actions regarding academic warning, probation, suspension, and dismissal will be noted on the student’s transcript.

1.2.2.3. Academic Warning

Any freshman in a baccalaureate program whose cumulative average is 1.750 to 1.999 receives an academic warning. A warning may be issued for one semester only and may not follow a term on probation.

1.2.2.4. Academic Probation

Any student in an associate’s degree program whose cumulative average falls below 2.000 is placed on academic probation. A freshman in a baccalaureate program whose cumulative average falls below 1.750 is placed on academic probation. Any upperclassman in a baccalaureate program whose cumulative average falls below 2.000 is placed on academic probation. Academic probation can be imposed by the Academic Dean at the end of any term. While on probation a student may be restricted to a reduced course load, and/or receive other

stipulations intended to improve the student's academic success. Academic probation is removed when the student's cumulative average rises to 2.000 or above.

1.2.2.5. Academic Suspension

Students on academic probation who fail to restore their cumulative grade point average to 2.000 within two semesters will be suspended. In addition, freshmen and probationary students who receive more than one failing grade within a single term will be suspended.

Suspension will be enforced unless in the judgment of the Academic Dean there are extenuating circumstances. One fall or spring term must elapse before a suspended student may reapply.

1.2.2.6. Academic Reactivation

A suspended student who wishes to return is required to complete a Reactivation Form, available in the Office of the Registrar or Academic Dean's office. Reactivation and the conditions for such will be determined by the Academic Dean of the college that issued the suspension letter. All prior financial obligations must be settled with the Office of the Bursar prior to reactivation.

1.2.2.7. Academic Dismissal

A student who has been readmitted after a period of suspension and who fails to meet the terms of the readmission as stipulated by the appropriate college Academic Dean will be dismissed from Xavier and is not eligible to return.

1.2.2.8. Academic Advising Center

Xavier's Academic Advising Center supports undergraduates by ensuring every undergraduate is assigned an academic advisor and that all students are informed about academic policies, registration procedures, core curriculum requirements, and requirements in individual majors. Additional information is available in the Academic Advising Guide on the Center's website

[\(http://www.xavier.edu/academic-advising/\)](http://www.xavier.edu/academic-advising/).

1.2.2.9. Handling of Academic Issues

Academic issues such as academic standing and academic honesty may be governed by other documents and policies including the Xavier Catalog or the policies, procedures or handbooks of any Xavier colleges, departments, programs or classes, and those other documents take precedence over the terms of this Student Handbook.

1.2.3. Local Address

It is the responsibility of each student living off campus to furnish local address information to the Office of the Registrar and to subsequently notify the Office of the Registrar of any local address changes. Failure to do so could constitute a student conduct violation for failure to cooperate with University officials.

University notices mailed to a student's local address on file with the Office of the Registrar will be deemed to have reached the student.

1.2.4. Financial Obligations

Students are responsible for the payment of all financial obligations as scheduled in Xavier 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. In addition, the Bursar Office may email the student requesting payment in full. If the charges remain unpaid after standard in-house collection procedures, the account may be placed with a third party collection agency and assessed standard interest and collection cost.

1.2.4.1. 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 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 or her Bursar account, he or she can call the Bursar's Office (<http://www.xavier.edu/bursar/>) at 513-745-3435, email xubursar@xavier.edu, or stop by the Musketeer Mezzanine in Fenwick Place.

1.2.4.2. Restitution for Lost or Damaged Property

Students may be required to make restitution when they are responsible for the loss of or damage to University property or found responsible for the loss of or damage to the personal possessions of others. The failure to make timely restitution may result in the replacement cost of the damaged property being charged to the student's Bursar account, where interest may be assessed.

1.2.4.3. Loaned Property From Department/Club

Failure to return property loaned in good faith by Xavier 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.

1.2.5. Immunization Requirements

Xavier requires all full time incoming freshmen students, full time transfer undergraduate students, and international students, including ESL students to have the MMR vaccination (measles, mumps, and rubella) and Meningococcal vaccination. Other health requirements may apply to international students. In addition, all incoming undergraduates must provide a Medical History signed by their physician, to Xavier Health Services.

Failure to submit the required information may block students from registering for classes. Full immunization requirements and the Medical History form may be found on the Health Services web site at: <http://www.xavier.edu/health-wellness/health/index.cfm>.

The Ohio Revised Code (“O.R.C.”) 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 meningitis and hepatitis B by submitting a meningitis and hepatitis B vaccination status statement. O.R.C. Section 3701.133 states that the Ohio Department of Health (ODH) shall make available on its website 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 website, in a format suitable for downloading, a meningitis and hepatitis B vaccination status statement form that complies with the guidelines outlined in O.R.C. Section 3701.133(B). This information and a meningitis and hepatitis B vaccination status statement form can be found at <http://www.odh.ohio.gov/odhprograms/dis/immunization/collegeimm.aspx>. Xavier’s Medical History form complies with O.R.C. Section 3701.133. Students may meet this requirement by completing and submitting the Medical History form.

Please note that O.R.C. Section 1713.55 does not require vaccination of the student, nor does it require the institution to provide or pay for these vaccines. It requires only disclosure of vaccine status of the student.

1.2.6. ALL Card

In order to properly identify oneself as a member of the Xavier community, students should carry their ALL Card at all times. Students should be able to identify oneself by presenting an ALL Card to University officials when requested to do so.

ALL Cards are non-transferable. The unauthorized possession, duplication, or use of ALL Cards is prohibited. 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 the owner's ALL Card will be held responsible through Xavier's Student Conduct Process.

The ALL Card is the property of Xavier and must be surrendered upon the request of a University official.

1.2.6.1. Lost, Broken and Replacement ALL Cards

If an ALL Card is lost or broken, the student should report this online and deactivate the card at <https://services.jsatech.com/index.php?cid=57>. If necessary, the ALL Card Center will have a new card issued. There is a \$25.00 fee to replace lost or damaged cards.

1.2.6.2. Meal Plan Verification at Campus Food Outlets

In order to use your meal plan, Dining Dollars, or XCash at any of Xavier dining outlets (e.g., Hoff Dining Center, Ryan's Pub or any other retail dining outlets) a student must present his or 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 or her 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.

Consumption of any item owned by the dining facility without presenting an ALL Card or paying for a meal will be considered theft. Violation of this policy will subject the student to Xavier Conduct Process.

1.2.7. Attendance Policies

Based on academic freedom, the attendance policy for a class is at the sole discretion of the instructor. This includes the attendance

requirements stated in the course syllabus, the manner in which excused and unexcused absences affect a student's class grade, and when absences are considered excused or unexcused.

1.2.7.1. Class Absence for Participation in Official University Events

A student participating in an approved University activity which requires his or her absence from a class should consult with the instructor 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 related to absences for participation in official University events. The student should also provide the instructor with a written schedule of planned absences in order for the instructor to evaluate and advise the student on the possible impact of the planned absences. Students are responsible for providing accurate information regarding the dates of the planned absences.

If a class attendance policy is incompatible with the number of planned absences, students should seek the instructor's advice regarding whether the student should register for another section of the class, if possible, during a semester in which he or she will not be participating in Xavier activity (for example, during the off-season for a sports team or during the summer).

Any student who will be absent from class for participation in an official University event should request in advance any assignments that may be missed during the absence, so that he or she will not fall behind in the coursework.

1.2.8. Fundraising

A fundraising permit must be completed by any club or organization that is attempting to raise money, on- or off- campus, for its own purposes or for charity. The form can be found online at: (<http://www.xavier.edu/student-involvement/documents/10-11fundraisingformTipsformcombined.pdf>).

1.2.9. University Protocol for Campus Public Speakers and Events

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.

The University is governed by the following basic assumptions:

- 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.

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.

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 faculty members appointed by the Chair of the Faculty Committee, two administrators appointed by the Associate Provost for Student Affairs, and two students appointed by the President of the Student Government Association. After reviewing the conclusion of this Board, the President of Xavier, or his designee, will make the final decision.

1.2.10. Travel Policy

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

- Waiver (also known as Assumption of Risk/Release and Medical Emergency Form)
- Club/Organization Itinerary Form

Refer to the Office of Student Involvement website for a copy of the full text of this policy. For additional information about Waivers, see Section 1.3.7 (“Waivers”) of this Handbook.

If University dollars are being used to support transportation to an event or activity (i.e., entertainment opportunities), and there is a possibility that alcohol will be consumed, then a University representative or authorized security must be present on all buses/vehicles used for transportation. For further information, see Xavier University Alcohol and Other Drugs Policy.

1.2.11. User Accounts

Xavier has developed a policy specifying eligibility for user email and computer accounts for students, faculty, and staff at Xavier University. The User Accounts Policy describes the processes for creation and deletion of user email and computer accounts. Further information for User Accounts can be found at <http://www.xavier.edu/policy/documents/User-Account-Policy.pdf>.

1.2.12. Privacy of Electronic Information

Xavier’s Policy on the Privacy of Electronic Information governs the privacy and protection of electronic information stored on or transmitted through Xavier computers, devices, servers, systems, or equipment. This policy can be viewed online at <http://www.xavier.edu/policy/documents/Policy-on-the-Privacy-of-Electronic-Information.pdf>.

1.2.13. Student Injury or Illness

A student should notify the Xavier University Police Department (“XUPD”) or a University Official immediately in the event of personal illness or injury. If emergency health Services are needed after Health Center hours, a Residence Life staff member or a XUPD Officer can contact the appropriate emergency or medical resources 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 or her insurance agency to see if hospital visits are covered by his or her health care plan.

Students seeking medical care should consult their health insurance plan to identify the health care providers that are included in their particular plan. Xavier Health Services maintains a partial list of health facilities and resources in the Cincinnati community. Refer to Health Services web site: <http://www.xavier.edu/health-wellness/health/>.

1.2.14. Student Health Insurance

Xavier University requires all full-time undergraduate students registered for 12 or more credit hours to have health insurance. Health insurance provides students with access to the health care system and to necessary medical services in order to support their academic success.

Students are automatically enrolled in the student health insurance plan and a health insurance charge is placed on the Bursar bill. The student health insurance charge may be waived by providing proof of existing health coverage. An explanation of the student health insurance plan and waiver process may be found on Wellness Services web site: <http://www.xavier.edu/health-wellness/insurance/>.

Section 1.3. Campus Safety and Security

1.3.1. Inclement Weather Policy

Listed below are the basic categories of University response to serious inclement weather and/or emergency conditions. XU ALERT ME is the communication tool to keep students, faculty, and staff informed during threatening situations and weather-related closings. Announcements on local TV and radio stations may also indicate which of the following category applies.

1.3.1.1. 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.

1.3.1.2. Classes are Cancelled/University Offices on Delayed Start

On such days, classes before the defined time are cancelled and University offices will remain closed 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.

1.3.1.3. Notification

Xavier will provide updates on the Xavier 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). 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, then 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. It is important that students remember to keep clear of all windows. Failure to heed instructions of staff is grounds for student conduct actions.

1.3.2. Outdoor Events

This policy describes the parameters for reserving space and

conducting outdoor events at Xavier University's outdoor venues by offices, departments and organizations of Xavier. It is available on the Office of Student Involvement's website (<http://www.xavier.edu/student-involvement/>).

1.3.3. Clery Act

Federal law, known as the Clery Act, mandates reporting and disclosure procedures for higher education institutions. The Clery Act requires every institution to provide the campus community with information necessary to make informed decisions about their health and safety. The Clery Act specifically mandates every institution to do the following: (1) have emergency notification and evacuation procedures; (2) issue timely campus alerts for crimes that represent an ongoing threat to the safety of students or employees; (3) keep a crime and fire log; (4) collect crime reports from campus security authorities; (5) request crime statistics from local law enforcement; (6) submit crime and fire statistics to U.S. Department of Education; (7) publish an annual security report and fire safety report. For more information on the Clery Act see 10 U.S.C. Section 1092 or <http://www2.ed.gov/admins/lead/safety/handbook.pdf>.

1.3.4. XU ALERT ME

In compliance with the Clery Act, Xavier created the XU ALERT ME program to increase safety and awareness within the Xavier community. XU ALERT ME allows Xavier to alert students, faculty, and staff of threats, emergency situations, and weather-related closings via text messaging, email, and voice messaging.

In order to receive alerts from the XU ALERT ME program, students must provide Xavier with the phone number and email address through which they wish to be contacted. This information can be provided online at <http://www.xavier.edu/audit-risk/Sign-Up.cfm>.

Students, faculty and staff enrolled in XUALERT ME will be promptly notified upon the confirmation of a significant emergency or dangerous on-campus situation involving an immediate threat to the health or safety of students, faculty, or staff as determined in Xavier's sole discretion, unless issuing a notification will compromise efforts to contain or manage the emergency. Students enrolled in the XUALERT ME program understand that

substance and timing of alerts will be at Xavier's sole discretion. In the event Xavier decides to send an alert, XU ALERT ME will send each enrolled student an email and/or text message, and/or will attempt to contact each enrolled student by phone up to three times. The method(s) of contact will depend on the contact information provided by the student at the time of enrollment. Once a call is answered by the student or the student's automated voice mail, no further attempts will be made to contact that student.

Xavier will not charge students a fee for enrolling in the XU ALERT ME program, but students will be responsible for any fees charged by their phone/cellular service providers for the associated calls, text messages, or voice mails.

1.3.5. Violation of Law and University Policy

1.3.5.1. Violation of Law and University Policy in General

Alleged violations of or convictions of local, state, or federal law arising from conduct that occurred on campus or off-campus can sometimes be violations of the Student Handbook. Similarly, violations of this 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 Student Conduct Process, 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 Director of Student Integrity, or designee, the student conduct process may be carried out prior to, simultaneously with, or following any related criminal matter.

The dismissal, failure to prosecute, "no bill" from a grand jury, settlement or reduction in charges of any related criminal matter shall not be grounds for a challenge to any student conduct matter.

Except in conduct matters involving Title IX allegations (e.g., sex discrimination, sexual harassment, sexual assault, sexual violence, rape, or other sexual misconduct), 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 Director of Student Integrity, or designee. In exchange, the student may be required to agree to immediately withdraw from Xavier (i.e., placed on Administrative Separation) and the student may be prohibited from appearing on-campus for any reason without written authorization from the Director of Student Integrity. Even with this written authorization, the student may be required to be accompanied by an official escort when on campus. At the culmination of the criminal proceedings, the student may petition Xavier to be reinstated as a student. However, Xavier 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, Xavier may pursue the postponed Student Conduct Process, even if the student was fully exonerated of the criminal allegations or the criminal charges were dismissed.

Because different processes and rights are at stake in a civil case, Xavier typically will not provide a student this same option to postpone the Student Conduct Process pending a civil case. However, in exceptional circumstances, the Director of Student Integrity, or designee, has the sole discretion to make such a decision.

The Director of Student Integrity, or designee, reserves the right to request police reports or other records for submission to a student's conduct file for review.

1.3.5.2. University Response to Police Citations Issued to Xavier Students

The Student Conduct Process may also be instituted by Xavier when information is received from the Xavier University Police Department, the Cincinnati Police Department, the Norwood Police Department, or other police entities, about misdemeanor or criminal citations that have been issued to a Xavier University student.

1.3.5.3. Independent Legal Counsel

While the role of an attorney throughout the student conduct process is limited by the terms of this Handbook, students involved in student conduct matters that may also be criminal matters are encouraged to seek legal counsel. The Cincinnati Bar Association has a referral service and can be contacted at 513-381-8359 or further information can be found at <http://www.cincybar.org/news-resources/find-lawyer/index.php>.

1.3.6. Parking

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, and/or towing.

Vehicles parked on campus or entering University property are subject to inspection by the Xavier University Police. This is a necessary measure to insure public safety on the Xavier's campus. Xavier University is not responsible for fire, theft, loss or damage of any kind to any vehicle/contents while on University property.

A list of parking areas is available online at Office of Auxiliary Services - Parking Services' website (<http://www.xavier.edu/auxiliary-services/Parking-Areas-and-Maps.cfm>).

1.3.6.1. Handicap Parking

A handicap sticker is required for special parking due to health problems in accordance with the law. This sticker must be obtained through the Ohio Bureau of Motor Vehicles. Once obtained and displayed on the vehicle, the individual has the right to park in any designated handicap space with a current Xavier parking permit.

Students with questions regarding parking on campus can contact the Office of Auxiliary Services - Parking Services at 513-745-1050, parkingservices@xavier.edu or on the website (<http://www.xavier.edu/auxiliary-services/Parking-Services.cfm>).

1.3.6.2. Purchasing Parking Permits

Students are highly encouraged to purchase their parking permits in advance of arriving on campus for the beginning of an academic term. Parking permits are valid from date of purchase until August 15 of the upcoming academic year.

Parking permits may be purchased online through Parking Services: (<https://xavier.thepermitstore.com/>) or through the MyXU portal (<http://portal.xavier.edu/>) by selecting the “Student Services” tab, then selecting the “My Parking Information” channel. If a permit is purchased online, the receipt may be used as a proof of purchase only until an actual permit is or should have been received by the student.

The following permits may be available for students:

- Day/Full-Time Parking Permits
- Evening/Weekend Parking Permits
- Xavier Owned Apartments and Houses Permits
- Temporary/Visitor Parking Permits
- Additional Permit for Second Vehicle

- Commuters - Full time
- Residents - Dorms
- Replacement Permits
- Free Summer Permits

Students must complete the appropriate Parking Permit Application form, which requires the vehicle make, year, model and license plate number. An ALL Card or driver's license is required to verify the student's identity. The cost of a permit will be charged to the student's bursar account, unless the student pays for his or her permit in the Bursar's office at the time of the sale.

Parking permits remain the property of Xavier University and shall be surrendered upon demand.

1.3.6.3. Display of Parking Permits

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. Students must register all vehicles they may use on campus prior to transferring a parking permit from a primary vehicle to a secondary vehicle.

1.3.6.4. Reporting Stolen Permits

A stolen permit must be reported to the Xavier University Police Department immediately. The permit owner is responsible for violations charged to his or her permit if the theft is not timely reported to the Xavier University Police Department.

1.3.6.5. Parking and Other Traffic Violations

Xavier University Police Department will assess monetary fines for parking and other traffic violations. Fines must be paid within 10 calendar days of the

violation or it will automatically be charged to an individual's bursar account. Unpaid or habitual violations may result in increased fines, booting, towing, and/or loss of parking privileges. Vehicles found impeding or obstructing vehicular or pedestrian traffic or left abandoned (including those with no permit, registration or that are nonfunctional) for more than 14 hours are subject to be towed at the owner's expense. Students are responsible for unpaid parking violations incurred by their guests.

Student fines should be paid at the Office of the Bursar or online through Parking Services (<https://xavier.thepermitstore.com/>) or the MyXU portal (<http://portal.xavier.edu/>) by selecting the "Student Services" tab, then selecting the "My Parking Information" channel. Fines may be appealed online as well within 7 days after the date of the violation. After that time, appeals will not be accepted for review. A parking appeals panel made up of current students, faculty, and staff typically meets once a month (unless otherwise needed) to review all timely submitted appeals based on Xavier's rules and regulations. No appeal decisions are made by the Office of Auxiliary Services, Parking Services, or Xavier University Police Department. The decisions of the parking appeals panel are final.

Parking fines are applied to the student's bursar bill if not paid within 10 business days after the violation. A processing fee of \$10.00 will be added to any unpaid parking fines.

1.3.6.6. Parking During Events on Campus

During events on campus (e.g., basketball games, concerts, etc.) students, faculty and staff may be directed to park in alternate on-campus parking lots. Vehicles parked in reserved or restricted lots during major events are subject to tow at the owner's expense. Students should also allow additional time to arrive at their classes. For example, when there are basketball games, students should avoid the C2 parking lot near to the Cohen Center on these game nights. It is also strongly

recommended that students who have classes on these evenings park in the C5/R3 reserved area in the Norwood Plaza lot or the lots south of Dana Avenue, off of Woodburn Avenue. Students may also park in the South lot on the West Side of campus or the I lot off of Herald Ave. Students should note that special events take place in the Cintas Center year round. Parking spaces, especially the upper “C” lots closer to the Schiff Family Conference Center, will be limited from time to time throughout a given day and sometimes on short notice as a result of special events. Students’ cooperation and understanding during these times is appreciated.

1.3.7. Waivers

“Waivers” is the general term used to refer to a collection of documents which often must be signed prior to individuals participating in certain experiences both on and off campus. Xavier students, faculty and employees, as well as non-Xavier individuals, may need to sign waivers before participating in an activity. Information about when a waiver is needed, which form(s) to use, and printable copies of the waivers are available on Risk Management and Insurance’s website at <http://www.xavier.edu/insurance/Instructions-for-Using-Waivers.cfm>. Waivers are sometimes called Assumption of Risk/Release and Medical Emergency Forms. Note the waiver forms on the website are the only forms approved by Xavier University for the purpose and may not be modified or changed in any way.

Section 1.4. Community Neighbors

1.4.1. 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 and 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. Dial 911, for an emergency. The Norwood Police Department can be reached at

513-458-4520. The Cincinnati Police Department - District 4 (Avondale) can be reached at 513-569-8600 and District 2 (Hyde Park) can be reached at 513-979-4400. The city-wide Cincinnati Police Department dispatch number is 513-765-1212.

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. The Eigel Center is the hub of Xavier's community engagement network that extends the campus into the community. Information and other resources related to community involvement can be found at the Eigel Center's website (<http://www.xavier.edu/eigelcenter/>).

Know your rights and responsibilities under Ohio's Landlord-Tenant Laws. This and other information for students living off-campus are available at Xavier's website (<http://www.xavier.edu/commuter/resources.cfm>).

1.4.2. Procedures for Making a Complaint About Off-Campus Neighbors

Complaints about off-campus neighbors should be called into the Xavier University Police Department *at the time the disturbance is occurring* to generate a complaint record. Call 513-745-2000 for non-emergencies and 513-745-1000 for emergencies. Depending upon the nature of the complaint, you may also wish to call either the Cincinnati Police Department (city-wide dispatch) at 513-765-1212 or the Norwood Police Department at 513-458-4520.

When making a complaint, please furnish as much information as possible. The Officers of the Xavier University Police Department should know the address of the house at which the disturbance is taking place or license plate numbers if there are parking violations involved.

The Xavier University Police Department Officers will respond to complaints by members of the communities surrounding Xavier. 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 Officers' discretion, and if warranted, a request may be made to terminate the event.

Section 1.5. Non-Discrimination

1.5.1 Non-Discrimination General Information

Xavier University affords equal opportunity to all qualified students regardless of race, color, age, creed, religion, gender, sexual orientation, gender identity and expression, ancestry, national origin, disability, political beliefs, marital status, military status, or genetic information. Discrimination against any individual on the basis of any of the above characteristics will not be tolerated. Retaliation against individuals for reporting discrimination, participating in the investigation of a complaint of discrimination, or for enforcing this policy is also strictly prohibited.

Violations of this policy are addressed according to the Student Conduct Process and/or Harassment Code and Accountability Procedures.

<http://www.xavier.edu/hr/docs/employees/harassmentcode.pdf>

Any student or employee found to be engaging in any type of unlawful discrimination or retaliation may be subject to sanctions through the Student Conduct Process or Accountability Procedures up to and including expulsion or termination.

Students complaining of any type of discrimination or harassment outlined above are encouraged to bring them to the attention of the Affirmative Action 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. In addition, they may consult with Cheryl Nunez, Assistant to the President for Diversity and Equity, Alumni Center Room 134, 3800 Victory Parkway, Cincinnati, Ohio 45207-5412, 513-745-3885, nunezc@xavier.edu, for information about this policy and how to file a complaint. For more information about how to report a violation, see Section 3.2 ("How to Report an Incident Believed to Be a Violation") of this Handbook.

1.5.1.1. Title IX of the Education Amendments Act of 1972

This law provides that, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance....” This includes protection from sexual harassment. Xavier University does not discriminate, exclude from participation in, or deny benefits of its educational programs, admission policies, activities, or employment policies and opportunities on the basis of gender. Xavier’s Title IX Coordinator monitors compliance with this law and coordinates Xavier’s response to complaints of discrimination based on gender, including assisting Complainants in receiving any medical, mental health or other services and facilitating any interim protective measures that may be warranted. More information about Interim Measures and the Title IX Coordinator is available in Sections 3.3 (“Interim Measures for Individuals and/or the Campus Community”) and 3.4 (“Title IX Coordinator – Sex Discrimination Charges Only (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct or Retaliation”) of this Handbook. Inquiries concerning the application of Title IX, including but not limited to gender discrimination and sexual harassment, may be referred to Xavier’s Title IX Coordinator, Kate Lawson, Gallagher Student Center Room 332, 3800 Victory Parkway, Cincinnati, Ohio 45207-4541, 513-745-3046, lawsonk1@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.

1.5.1.2. Title VI of the Civil Rights Act of 1964

This law provides that, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial

assistance....” Xavier University does not discriminate, exclude from participation in, or deny benefits of its educational programs, admission policies, activities, or employment policies and opportunities on the basis of race, color or national origin. Students complaining of any type of discrimination or harassment outlined above are encouraged to bring them to the attention of the University via one of the following resources:

- The Affirmative Action 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;
- The Director of Student Integrity, Jean Griffin, Gallagher Student Center, Room 302, 3800 Victory Parkway, Cincinnati OH 45207-2120, 513-745-3166, griffinj6@xavier.edu;
- The Assistant to the President for Diversity and Equity, Cheryl Nunez, Alumni Center, Room 134, 3800 Victory Parkway, Cincinnati, Ohio 45207-5412, 513-745-3885, nunezc@xavier.edu.

1.5.1.3. Section 504 of the Rehabilitation Act

This law provides that, “No otherwise qualified individual with a disability in the United States...shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance....”

Xavier University does not discriminate against qualified individuals with disabilities in its educational programs, admissions policies, activities, or employment opportunities and policies. Students complaining of any type of discrimination or harassment outlined above are encouraged to bring them to the attention of the University via one of the following resources:

- The Affirmative Action 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;

- The Director of Student Integrity, Jean Griffin, Gallagher Student Center, Room 302, 3800 Victory Parkway, Cincinnati OH 45207-2120, 513-745-3166, griffinj6@xavier.edu;
- The Assistant to the President for Diversity and Equity, Cheryl Nunez, Alumni Center Room 134, 3800 Victory Parkway, Cincinnati, Ohio 45207-5412, 513-745-3885, nunezc@xavier.edu.

1.5.1.4. American With Disabilities Act of 1990, as Amended

This law recognizes and protects the civil rights of people with disabilities. Disability discrimination includes not making a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Xavier does not discriminate against qualified individuals with disabilities in the context of employment and public accommodations, if any. Inquiries regarding disability discrimination may be directed to the Affirmative Action 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 the Equal Employment Opportunity Commission 131 M Street, NE Washington DC, 20507, 202-663-4900, 1-800-669-4000, <http://www.eeoc.gov/>.

1.5.3. Observance of Religious Holiday

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.

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.

It is the student's responsibility to inform the instructor of any intended absences for religious observances in advance, preferably at the beginning of each semester (i.e., prior to the end of the 3rd class session). This notification should occur in a mutually convenient and confidential manner. Prior notification is especially important in connection with examinations (in-class and take-home) and other major course requirements. Students are advised that proper accommodation requires the student to complete the entire course; therefore, accommodation 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.

If a faculty member must alter classroom expectations and assignments due to his or her religious observance, they should 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.

1.5.4. Political Activities on Campus

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, Xavier 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 to its students, faculty, staff, and

administrators opportunities for political activity as described in these policies or as otherwise permitted by applicable sections of the Internal Revenue Code. Administration of this policy has been delegated to Xavier's Director of Government Relations, who shall supervise and provide interpretations of this policy to members of the Xavier community and who shall serve as campus coordinator for this policy. Supervision of the students and student groups engaging in political activities is vested in the Director of Student Integrity, who shall consult with the Director of Government Relations in the case of questions involving the implementation or interpretation of this policy.

Students, faculty, staff, and administrators are encouraged to take active roles in political and civic affairs. In so doing, each individual should make clear that any references to his or her membership in the Xavier community is for personal identification purposes only, and he or she is not acting on behalf of, speaking for, or participating with the endorsement of, Xavier.

An appearance of a candidate for public office on campus must be for an educational or informational talk to the Xavier community and must be sponsored by a recognized Xavier organization. All such organizations must secure approval at least two weeks in advance through the Director for Government Relations, Office of the President. Such appearances shall be limited to speeches, question-and-answer sessions or similar communications in an academic setting and are not to be conducted as campaign rallies or events.

1.5.5. Statement on Sexual Orientation and Gender Identity

Central to Xavier University's mission and identity as a Catholic, Jesuit University is its belief that all members of the Xavier 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 Xavier Community intend nothing less than the happiness and fulfillment of one another, a fulfillment that is, while distinctly human, nonetheless, divine in origin.

Consequently, discrimination against and harassment of one member of the Xavier community by any other member of the Xavier 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.

It must be recognized that gay, lesbian, bisexual, or transgender people and individuals questioning their sexual identity constitute one such vulnerable population within the Xavier community. Hence, this University states unequivocally that gay, lesbian, bisexual, or transgender students, faculty, staff, administrators, and alumni are welcome members of the Xavier community, including its gay, lesbian, bisexual, or transsexual members, as the children of God they are.

Not only does Xavier 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. The University recognizes that some will feel that amending Xavier's Non-Discrimination Policy would constitute a preferable mode of declaring Xavier'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, Xavier 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.

Section 1.6. Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)

Xavier strives to provide an educational environment free from sex discrimination. "Sex discrimination" includes sexual

harassment. Sexual harassment can be in the form of rape, sexual misconduct, sexual violence, sexual assault, stalking, and other conduct. Sex discrimination is a serious issue occurring on college campuses nationwide. Xavier’s approach to addressing the issue of sex discrimination focuses on four areas: (1) Preparedness, (2) Prevention, (3) Response, (4) Recovery.

1.6.1. Preparedness

Xavier’s goal is to have a climate where students, faculty, and staff feel safe and are informed about sex discrimination. Therefore, Xavier is prepared to handle incidents involving sex discrimination. Specifically, Xavier has implemented strategies designed to prevent sex discrimination as well as reporting protocols. Additionally, Xavier has implemented certain procedures and guidelines that assist administrators in handling an alleged incident of sex discrimination once such incident is reported. See Section 3.4 “Title IX Coordinator – Sex Discrimination Charges Only (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)” of this Handbook.

1.6.2. Prevention

Xavier strives to prevent sex discrimination from occurring. Xavier has numerous initiatives to address sex discrimination before it occurs so as to prevent incidents involving sex discrimination. These programs include education, training, campus outreach programs, bystander intervention programs, media and other means. For example, in order for every member of the Xavier community to understand the importance of preventing sex discrimination, Xavier makes prevention training available to everyone on at least an annual basis. Training generally involves the following: (1) identifying and discussing what constitutes sex discrimination (see Sections 2.3.3.1 (“Prohibited Sexual Misconduct”) and 2.3.3.2 (“Important Definitions for Understanding Sexual Misconduct”) of this Handbook; (2) discussing Xavier’s policies and standards pertaining to sex discrimination (see Section 2.3.3 (“Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)” of this Handbook); (3) discussing conduct procedures and the consequences for violating Xavier’s policies and standards (see Sections 3.4 (“Title IX Coordinator – Sex

Discrimination Charges Only (Including Sex Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation”), 3.3 (“Interim Measures for Individuals and/or the Campus Community”), and 3.7.2.1 (Benchmark Sanctions for “Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)” of this Handbook); and (4) informing individuals about how to report sex discrimination (see Sections 1.6.3.1 (“Reporting Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)”) and 3.2 (“How to Report an Incident Believed to be a Violation”) of this Handbook.

1.6.3. Response

Campus administrators will respond efficiently and effectively when sex discrimination is reported. Xavier has established guidelines pertaining to how Xavier responds to sex discrimination (see Section 1.6.3.3 “Confidentiality of Reports of Sex Discrimination (Including Sex Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)”) and Part 3, generally, including Section 3.4 (“Title IX Coordinator – Sex Discrimination Charges Only (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)”) of this Handbook) and provides information on the importance of reporting incidents involving sex discrimination (see Section 1.6.3.1 (“Reporting Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)”) of this Handbook). Examples of how Xavier is responding to incidents involving sex discrimination includes the following:

- In accordance with Section 3.3 (“Interim Measures for Individuals and/or the Campus Community”), certain protective mechanisms may be implemented once an incident involving sex discrimination has been reported.
- In accordance with Sections 3.6.3 (“Confidentiality and Disclosures”) and 1.6.3.3. (“Confidentiality of Reports of Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)”), confidential information will be

disclosed only as authorized by the relevant individual or as permitted by law. In order to adequately provide for the safety and welfare of the Xavier community, Xavier may notify the local police department of sex discrimination reports.

1.6.3.1. Reporting Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)

In order for campus administrators to efficiently and effectively respond to an incident of sex discrimination, the appropriate administrators must be made aware of such occurrence. Therefore, if a member of the Xavier community is exposed to sex discrimination, it is highly important that he/she report the incident. Specifically, individuals are encouraged to report sex discrimination incidents they have witnessed, have been involved in, or have any reason to believe are in violation of the Standards of Student Conduct. Reporting may be confidential and can be anonymous. Students should be aware that Xavier's ability to respond (including sanctioning the alleged perpetrator through the Student Conduct Process) may be limited by such a request (although Xavier will pursue other steps to limit the effects of the alleged discrimination and prevent its recurrence). See Section 1.6.3.3 ("Confidentiality of Reports of Sex Discrimination") of this Handbook. Reporting the incident does not obligate the victim to prosecute or have the accused individual notified, but does allow gathering of information. Reports can be made to any of the following:

- If the situation is an off-campus emergency, call 911;
- Xavier University Police – 513-745-1000 (on or near campus emergencies) or 513-745-2000 (non-emergencies), Flynn Hall, 1648 Herald Avenue, Cincinnati, OH 45207;
- Title IX Coordinator – 513-745-3046, Gallagher Student Center, Room 332, 3800 Victory Parkway,

Cincinnati, OH 45207;

- Residence Life – 513-745-3203, Rm. 009D, Musketeer Mezzanine in Fenwick Place, 3800 Victory Parkway, Cincinnati, OH 45207;
- Director of Student Integrity – 513-745-3166, Gallagher Student Center, Room 302, 3800 Victory Parkway, Cincinnati, OH 45207;
- Advocate Program – 513-745-1000 or advocate@xavier.edu, <http://www.xavier.edu/advocate/>;
- Multicultural, Gender & Women’s Center, 513-745-3181, GSC 200/280, 3800 Victory Parkway, Cincinnati, OH 45207 <http://www.xavier.edu/gender-diversity/>;
- Anonymous Reporting Hotline – 855-481-6238; to submit a report online, follow the link on the Audit & Risk Management’s website: (www.xavier.edu/audit-risk/ethicspoint.cfm).

1.6.3.2. Resources

All students should be aware of the following resources and processes available to students seeking more information about sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation) or who believe they have experienced sex discrimination:

- **Emergencies** - If the situation is an off campus emergency, call 911.
- **Xavier University Student Conduct Process** - Xavier takes all allegations of sex discrimination seriously and handles allegations of such conduct pursuant to the Student Conduct Process outlined in Part 3 of this Handbook. *The Student Conduct Process can be initiated by Xavier whether or not the individual who has been negatively affected by the alleged sex*

discrimination pursues any of the rights identified in Section 3.6.2.3 (“Rights of the Complainant”) or resources included in Section 1.6.3 (“Response”).

- **Filing a Police Report or Pursuing Criminal Charges** – A violation of this Student Handbook may also be a violation of local, state, or federal law. Students may contact the Xavier University Police Department 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. The Xavier University Police Department 24-hour emergency number is 513-745-1000, the non-emergency number is 513-745-2000, and the Xavier University Police Department is located in Flynn Hall. More information is available at www.xavier.edu/police.
- **Xavier University Advocate Program** – Trained advocates through the Advocate Program are available 24 hours a day to provide confidential support, information, and advocacy to anyone who believes they have been a victim of sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation). To be connected with a trained advocate, call the Xavier University Police Department 24-hour number at 513-745-1000. For more information, visit www.xavier.edu/advocate.
- **Local Crisis and Support Provider** – Women Helping Women provides crisis intervention and support services for direct and indirect victims (women and men) of sexual assault, domestic violence and stalking. The 24-Hour Crisis Line is 513-381-5610, the phone number is 513-977-5541, and the website is www.womenhelpingwomen.org.
- **Exam by a Sexual Assault Nurse Examiner at a Hospital** – 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). At the local hospital, the SANE will discuss what happened, do an exam looking for injury, may provide medication to decrease the chance of getting sexually transmitted infections, and may test for pregnancy and sexually transmitted diseases (one test on the first visit to the SANE and a second test at a later date to determine if sexual assault resulted in pregnancy or sexually transmitted diseases). In addition to medical treatment and forensic evidence collection, the SANE can provide the names of other professionals available for follow-up care. **If a student believes he or she has been sexually assaulted it is best not to bathe, shower, change clothes, or brush your teeth after the assault since some evidence may be lost. Even if these have been done, the individual should still see the SANE as an exam can still be performed. It is best to contact SANE as soon as possible after the assault. A SANE nurse is available through Cincinnati's University Hospital. The Xavier University Police Department Officers are available to transport or arrange for the transport of victims of sexual assault to University Hospital. The Xavier Advocate Program can have a trained 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.** More information is available by calling University Hospital's SANE Program 24 hours a day at 513-584-4201 or visiting their website at <http://universityhospital.uhealth.com/services/sexual-assault-nurse-examiners/>.

- **Counseling** – Outpatient counseling and psychotherapeutic treatment is available at no charge to Xavier students at the Health and Wellness Center (<http://www.xavier.edu/health-wellness/>), 513-745-3022, located at 1714

Cleneay Avenue next to Cohen Center parking lot, and the Psychological Services Center (www.xavier.edu/psychologicalservices/), 513-745-3531, located in the Sycamore House at 3818 Winding Way next to Schmidt Fieldhouse. Students may also choose to seek counseling services from a private provider. Students should contact their insurance provider to find out about possible insurance coverage for services from a private provider.

1.6.3.3. Confidentiality of Reports of Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)

All individuals with knowledge of sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation) are encouraged to report the incident to Xavier University. See section 1.6.3.1 (“Reporting Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)”) of this Handbook. In accordance with Title IX, Xavier prohibits retaliation and will not only take steps to prevent retaliation but also will take strong responsive action if it occurs.

Even if an individual who has been negatively affected by sex discrimination does not want to pursue the matter through the student conduct process or the criminal justice system, he or she should still consider making a confidential report to Xavier. The purpose of the confidential report is to maintain confidentiality while allowing Xavier to take steps to ensure the future safety of the individual and the community. Anonymous reports can be made by calling the Anonymous Reporting Hotline at 855-481-6238 or submitting an anonymous report online by following the link on the Audit & Risk Management’s website (www.xavier.edu/audit-risk/ethicspoint.cfm).

By reporting the incident, Xavier can keep an accurate record of the number of reported incidents involving

students, determine where there is a pattern of sex discrimination with regard to a particular location, method, or assailant, alert the campus community to potential danger, and initiate the Student Conduct Process. Pursuant to the Clery Act, reports of certain types of sex discrimination to Xavier (including but not limited to reports to the Title IX Coordinator, Residence Life, the Director of Student Integrity, the Advocate Program, the Multicultural, Gender & Women's Center, the Anonymous Reporting Hotline, the Xavier University Police Department, and any other Xavier faculty, staff or administrator) must be counted and disclosed in the annual crimes statistics for Xavier. Xavier's annual crime statistics report does not reveal the identities of the persons involved. Disclosure of the reported incident for inclusion in the annual crimes statistics does not typically involve disclosure of personally identifiable information within Xavier except to the extent necessary to ensure the incident is not double counted. Only reports to pastoral and professional counselors (i.e., counselors at the Health and Wellness Center and Psychological Services Center) acting in their role of pastoral or professional counselor may not be disclosed and counted in the annual crimes statistics for Xavier.

If an individual who has been negatively affected by sex discrimination reports the incident and requests confidentiality or asks that the complaint not be pursued through the Student Conduct Process, Xavier will still take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue the investigation. Individuals should be aware that Xavier's ability to respond (including sanctioning the alleged perpetrator through the Student Conduct Process) may be limited by such a request. Still, Xavier will pursue other steps to limit the effects of the alleged discrimination and prevent its recurrence. See Section 3.3 ("Interim Measures for Individuals and/or the Campus Community") of this Handbook.

Xavier must evaluate all requests for confidentiality in the context of its responsibility to provide a safe and

nondiscriminatory environment for all students. In doing so, Xavier will weigh the request for confidentiality against the following factors: the seriousness of the alleged discrimination, the ages of the persons involved, whether there have been other complaints about the same alleged perpetrator, and the alleged perpetrator's rights to receive information about the allegations if the information is maintained by Xavier as an "education record" under FERPA. See section 1.7 ("Family Educational Rights and Privacy Act (FERPA)") of this Handbook. Accordingly, Xavier cannot guarantee absolute confidentiality in response to every request, but will inform the person requesting confidentiality if it cannot ensure confidentiality in light of the foregoing factors.

1.6.4. Recovery

Xavier supports those striving for recovery after sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation) regardless of whether the sex discrimination has been reported to Xavier or local law enforcement. Each individual's experience is unique and recovery may go through many stages. Accordingly, Xavier seeks to connect any student whose life has been affected by sex discrimination with a broad network of recovery information and resources both on and off campus. This may include, but is not limited to, crisis intervention/emergency psychological care; hospital and justice system advocacy; educational groups; workshops; individual and group counseling; peer education; volunteer opportunities; and collaboration with peers, administration, and family. For more information about recovery after sex discrimination, contact Xavier's Advocate Program at 513-745-1000 or advocate@xavier.edu or visit <http://www.xavier.edu/advocate/>; Xavier's Multicultural, Gender & Women's Center, GSC 200/280, 3800 Victory Parkway, 513-745-3181, <http://www.xavier.edu/gender-diversity/>; Xavier's Health and Wellness Center, 1714 Cleneay Avenue, 513-745-3022, www.xavier.edu/health-wellness/ or Xavier's Psychological Services Center, 3818 Winding Way, 513-745-3531 (www.xavier.edu/psychological_services/).

Section 1.7. Family Educational Rights and Privacy Act (FERPA)

1.7.1. Basic Policy

In compliance with the Family Educational Rights and Privacy Act of 1974 (“FERPA”), Xavier University protects the rights of students with relation to the accuracy and privacy of their education records. In accordance with FERPA, 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 otherwise allowed or required by law. In addition, procedures have been established by which a student may request to examine his or her education 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 Xavier, 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.

1.7.2. 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 has been notified what information is included as directory information and has been given a reasonable period of time to request that such information not be released without consent.

The University has designated as directory information the following categories:

- Student’s name
- All addresses (including email) and telephone numbers (of currently enrolled students only)

- Date and place of birth
- Any photographs including ALL Card photo
- Dates of enrollment
- Number of hours registered and full or part-time status
- Class standing (first year, sophomore, junior, and senior, graduate)
- Area of academic concentration
- Diploma or degree awarded
- Honors or awards received
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Total hours earned
- The most recent previous educational agency or institution attended by the student
- Announcement of public performances and ceremonies officially recognized by Xavier

No other personally identifiable information about a current or former student may be released to any person or agency outside Xavier unless either the student has provided written consent specifying the information to be released, the reason(s) for such release and to whom it is to be released or as otherwise allowed by law. At the request of the student, a copy of the information to be released will be provided when he/she consents to the release. FERPA provides for a number of exceptions to this rule whereby information may be released without notice to or the consent of the student to accrediting agencies, certain federal and state authorities, for reason of emergencies related to the health and safety of the student, etc. In addition, such information may be made available without notice to or the consent of the student to University officials, including instructors, having legitimate

educational interests, as determined by Xavier.

The University shall maintain a record of all non-Xavier individuals or agencies that have requested or obtained access to a student's education records and the legitimate interest they have in such records. The University shall keep this record as part of the student's total education record, subject to the same restrictions on release and access. The University shall not maintain records of release of directory information or information requested or obtained by Xavier officials who have legitimate educational interest.

Whenever personally identifiable information about a student is released to a third party, Xavier shall only do so on the condition 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.

1.7.3. Maintenance of Records

In maintaining a student's education record, Xavier 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; student conduct 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.

Student education records may be kept in a variety of offices including but not limited to those indicated below:

- University Registrar

- Alumni Relations
- Director of Student Integrity
- Career Services
- Financial Aid
- Residence Life
- Bursar
- Student Teaching
- Wellness Services
- Xavier Action and Care Team (“X-ACT”)

Detailed education records, as defined above, are kept for two years after a student terminates enrollment and then they may be destroyed, with the following exceptions:

- 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 Xavier before graduation and permanently maintains transcripts of all academic records earned at Xavier.
- Alumni Relations maintains directory information on all graduates.
- Financial Aid maintains complete files until a federal audit has been made.
- The graduate schools maintain student files until graduation. Residence Life maintains records for five years from the time of residency.
- The Director of Student Integrity Office maintains records for seven years unless the student has been suspended or expelled from Xavier in which case student conduct records may be kept indefinitely.

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

1.7.4. Student Right to Access

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

- 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.
- 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.
- Parent's Financial Records and any information contained therein are not open for student's review without parental written consent.

1.7.5. Waiver of Right to Access

In the following situations, Xavier shall provide students with the means of waiving their right of access to certain limited parts of their education record for the purpose of preserving confidentiality:

- Letters of recommendation required for admission to any educational agency or institution.
- Letters of recommendation respecting an application for employment.

- 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 waives the right of access, the student may request notification of the names of persons making confidential recommendations and Xavier 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 or 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 or her decision with regard to waiving the right to access to that recommendation. Waiving right of access is not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from Xavier.

1.7.6. Procedure for Access

To obtain access to any part of a student's education record, the student 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. Copies of records may be provided if failure to do so would effectively prevent a student from accessing his or her records.

1.7.7. Procedure for Challenging the Record and Informal Proceedings

Should a student (or another agent acting on their behalf in the case of medical or psychological records) feel that certain information within the education record is inaccurate, misleading, or otherwise inappropriate, and wishes to challenge such information; the student may request a formal or informal hearing of their objections. The formal hearing request must be made in writing to the official representing Xavier 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 student; or he or she may insert into the record an explanatory note written by the student. A summary of the proceedings, objections, and results shall be kept by that office, not in the student's file.

1.7.8. Formal Hearing

Should the individual hearing the objections not be convinced of their validity and should the student 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 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 weeks following the written request, providing that school is in session. Under such circumstances, the objections shall be heard by a group of three representatives of Xavier, 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 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 or 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.

1.7.9. 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. However, the student may submit a statement setting forth his or her views to the office where the objected-to information is held and the statement shall remain with the contested part of the student's record for as long as the record is maintained. Once a particular item in the education record has been challenged and formally heard, a challenge of the same item shall not be heard again.

1.7.10. 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 should consult an attorney.

That information designated by Xavier University as directory information will be individually released without prior consent unless the student 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.

PART 2. STANDARDS OF STUDENT CONDUCT

Section 2.1. Introduction

The following sections are standards and policies that apply to Xavier students' conduct. Violation of the Standards of Student Conduct in Part 2 may subject the student to the Student Conduct Process and sanctions in Part 3 of this Handbook.

The "Policy of Respect" set forth in Section 2.2 explains broader principles that Xavier students must comply with at all times. Section 2.3 "Conduct Specifically Permitted and Prohibited" is made up of a variety of policies governing students' conduct related to specific topics or scenarios. Depending on the nature of the conduct and the circumstances of the situation, the same conduct by a student may be processed and sanctioned as a violation of either Section 2.2 or Section 2.3 or both. To assist in finding information on particular conduct issues, an alphabetized list is provided at Section 2.1.1, with cross references to Section 2.3.

All matters involving students may be subject to the Student Conduct Process and sanctioned by Xavier regardless of whether the conduct occurred on or off Xavier's campus, and regardless of whether the event is a Xavier sponsored or supervised activity.

2.1.1. Alphabetized List of Certain Specifically Permitted and Prohibited Conduct

A

Academic Honesty – Section 2.3.9.1

Advertisements – Section 2.3.7

Alcohol – Sections 2.3.1, 2.3.1.1, 2.3.1.2, 2.3.1.3, 2.3.1.4, 2.3.1.5, 2.3.1.6, 2.3.1.7, 2.3.1.8, 2.3.3.1, 2.3.5, 2.3.8.3, 2.3.9.7

Alcohol Containers – Sections 2.3.1.3, 2.3.4.6

Alcohol-Free Areas – Section 2.3.1.3

Amplified Equipment – Section 2.3.4.1

Athletic Events – Section 2.3.9.7

B

Beer – Sections 2.3.1.3, 2.3.1.4, 2.3.5

Beer Balls – Section 2.3.1.3

C

Candles/Incense/Oil Lamps – Sections 2.3.4.3, 2.3.4.6

Cheating – Section 2.3.9.1
Cocaine – Sections 2.3.1.4, 2.3.1.5
Cocaine Base – Section 2.3.1.4
Coercion – Sections 2.3.3.1, 2.3.3.2, 2.3.8.3
Complicity – Sections 2.3.1.3, 2.3.9.2
Computers and Network Systems – Sections 2.3.6.1, 2.3.6.2

D

Demonstrations – Section 2.3.9.3
Dishonesty – Section 2.3.9.1
Disorderly/Disruptive Behavior – Section 2.3.9.4
Drinking Games and Instruments – Section 2.3.1.3
Driving Under the Influence of Alcohol or Drugs – Section 2.3.1.4
Drugs – Sections 2.3.1, 2.3.1.1, 2.3.1.2, 2.3.1.3, 2.3.1.4, 2.3.1.5, 2.3.1.6, 2.3.1.7, 2.3.1.8, 2.3.3.1, 2.3.3.2, 2.3.5, 2.3.8.3

F

False Identifications – Section 2.3.1.3
Fentanyl – Section 2.3.1.4
Fentanyl Analogue – Section 2.3.1.4
Fire Safety – Sections 2.3.4.6, 2.3.8.1, 2.3.8.2
Firearms – Section 2.3.8.5
Fireworks – Section 2.3.8.5

G

Gambling – Sections 2.2.2, 2.3.9.5
Guests/Visitors – Sections 2.3.4.5, 2.3.4.8, 2.3.4.10, 2.3.4.11, 2.3.4.12, 2.3.4.16, 2.3.5, 2.3.8.4, 2.3.9.8

H

Harassment – Sections 2.3.2, 2.3.3, 2.3.3.1, 2.3.5, 2.3.5.2, 2.3.6.3, 2.3.8.3
Hazing – Section 2.3.8.3,
Heroin – Section 2.3.1.4, 2.3.1.5

HIV or STD Non-Disclosure of Known Positive Status –
Section 2.3.3.1

Hostile Environment – Section 2.3.3.1

I

Illegal Sharing and Downloading – Section 2.3.6.2
Intimidation – Sections 2.3.3.1, 2.3.3.2

K

Kegs – Sections 2.3.1.3, 2.3.5

L

Liquor – Section 2.3.1.4

LSD – Section 2.3.1.4

M

Marijuana – Sections 2.3.1.4, 2.3.1.5

Methamphetamine – Section 2.3.1.4, 2.3.1.5

O

Off-Campus Parties – Section 2.3.5.1

Open Containers of Alcohol – Section 2.3.1.3

Other Large Amounts of Alcohol – Section 2.3.1.3

P

Paraphernalia – Sections 2.3.1.3, 2.3.1.4

PCP – Section 2.3.1.4

Plagiarism – Section 2.3.9.1

Possession of a Controlled Substance – Section 2.3.1.4

Public Indecency – Section 2.3.3.1

Public Intoxication – Section 2.3.1.3

R

Rape – Sections 2.3.3, 2.3.3.1

Retaliation – Sections 2.3.3, 2.3.3.1

S

Sex Discrimination – Sections 2.3.3, 2.3.5

Sexual Assault – Sections 2.3.3, 2.3.3.1

Sexual Exploitation – Section 2.3.3.1

Sexual Harassment – Sections 2.3.3, 2.3.3.1

Sexual Imposition – Section 2.3.3.1

Sexual Misconduct – Sections 2.3.3, 2.3.3.1, 2.3.3.2

Sexual Violence – Section 2.3.3

Smoking – Section 2.3.8.4

Social Media and Online Communities – Section 2.3.6.3

Solicitation – Section 2.3.9.6

Stalking – Sections 2.3.3, 2.3.3.1

Student Residences, Off Campus/Not Xavier Owned – Sections 2.3.5, 2.3.5.1, 2.3.5.2

Student Residences, On-Campus/Xavier Owned Living Policies – Sections 2.3.4, 2.3.4.2, 2.3.4.3, 2.3.4.5,

2.3.4.11, 2.3.5

T

Theft – Section 2.3.9.8

Threats – Section 2.3.3.2

Trafficking Drugs – Section 2.3.1.4

Trespassing – Section 2.3.3.1

U

Underage Drinking – Section 2.3.1.3

V

Vandalism – Section 2.3.4.5

Violence – Sections 2.3.1.5, 2.3.3, 2.3.3.1

Voyeurism – Section 2.3.3.1

W

Weapons – Section 2.3.8.5

Section 2.2. Policy of Respect and Prohibited Behaviors

Xavier University is a community that has expectations of its student members. These expectations for respectful behavior and a list of prohibited behaviors that may breach these expectations are below.

2.2.1. Respect for Authority

Xavier requires students to conduct themselves with respect for authority. The purpose of these Xavier policies and procedures are to provide for a safe and comfortable environment for all members of its community. University administrators and staff, along with all members of the Xavier community, share responsibility for supporting Xavier's efforts to preserve an environment that contributes to the overall mission of Xavier.

The following behaviors violate Xavier's expectations for Respect for Authority:

Failure to Comply - Failure to comply with the directions (including the successful and timely completion of Student Conduct sanctions) 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.

Violation of University Policy - Violation of any of the University's published policies, rules, or regulations including but not limited to those regarding on and off-campus living and student organizations, acceptable use of technology, alcohol and other drugs and the Harassment Code and Accountability Procedures.

Violation of the Law - Engaging in behaviors that may constitute a violation of federal, state, local laws, and ordinances.

Obstruction - Obstruction of any official University investigation or proceeding, including but not limited to the Student Conduct process.

Providing False Information - Knowingly providing false information or identification or impersonating a University official.

2.2.2. Respect for Oneself

Xavier requires students to conduct themselves with respect for themselves. 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.

The following behaviors violate Xavier's expectations for Respect for Oneself:

Violation of the Alcohol and Other Drug Policy (Alcohol). Violating the University's Alcohol policy including but not limited to: underage possession or consumption of alcohol, behavior which suggests the excessive consumption of alcohol, providing, selling or distributing alcohol to an individual under age 21, hosting parties on or off campus where underage students and alcohol are present, violations of local and state alcohol laws and ordinances. See Section 2.3.1 ("Alcohol and Other Drugs") of the Student Handbook.

Violation of the Alcohol and Other Drugs Policy (Drugs) -

This includes but is not limited to the use, possession, manufacturing or distribution of marijuana, heroin, narcotics, other controlled substance or paraphernalia illegally. See Section 2.3.1 (“Alcohol and Other Drugs”) of the Student Handbook.

Endangering Behavior – Conduct that threatens or endangers the health, sense of security and/or safety of the University community or any person(s) including oneself.

Gambling – Sponsoring or engaging in illegal or prohibited gambling activities. See Section 2.3.9.5 for more detail.

2.2.3. Respect for Others

Xavier requires students to conduct themselves with respect for others. True to its Jesuit ideals, Xavier 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.

The following behaviors violate Xavier’s expectations for Respect for Others:

Harassment - Harassment is 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 including electronic communication. 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, cultures, 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). For further examples refer to the harassment

policy, which can be found at
<http://www.xavier.edu/hr/docs/employees/harassmentcode.pdf>.

Physical Abuse/Violence – Physical Abuse/violence includes but is not limited to stalking, unwelcome physical touch, physical, verbal, or written threats, and/or other inappropriate communications. Also included are actions or expressions that might cause or contribute to violent situations, or that create a clear and present danger of violent situations.

Sex Discrimination or Sexual Misconduct (Sexual Harassment, Public Indecency, Voyeurism, Stalking, Non-Disclosure of Known Positive HIV Status or STD, Sexual Exploitation, Sexual Imposition, Sexual Assault, Rape, Retaliation, Sexual Misconduct-Other). Sex discrimination is prohibited by Title IX (see Section 1.5.1.1 “Title IX of the Education Amendments Act of 1972”). As used in the Student Handbook, “sex discrimination” includes sexual harassment, sexual assault, sexual violence, stalking, rape, all other forms of sexual misconduct, or retaliation. Xavier University prohibits any Act of sex discrimination, including all forms of sexual misconduct. The complete Policy prohibiting Sex Discrimination may be found in Section 2.3.3.

Disruptive Behavior Any behavior which interferes with the rights of others and disrupts or interferes with the normal functioning or safety of the community.

Bias Motivated Incidents - Any violation of the Code of Student Conduct motivated by a consideration (real or perceived) of race, sex, color, religion, or sexual orientation is prohibited and will be treated more severely than a similar or related act in the absence of such motivation.

Hazing - Any intentional or reckless act, or coercion of another to act, that is an implicit or explicit condition for initiation into, admission to, affiliation with, or continued membership in any group or organization, and which causes or creates a substantial risk of causing mental or physical harm, harassment, discomfort, embarrassment, or ridicule to any person. More information on the Hazing policy may be found in Section 2.3.8.3.

2.2.4. **Respect for Property**

The University expects students to respect property both inside and outside of the Xavier community. This includes both real and personal property, whether owned by Xavier, students, faculty or staff, or any property in which Xavier has an interest.

The following behaviors violate Xavier's expectations for Respect for Others:

Property Damage/Neglect - Engaging in the misuse, vandalism or damage to University, group or private property or failing to take proper care of the facilities, equipment, services and space provided by Xavier for student use.

Fire/Fire Safety Violation - Engaging in arson or the irresponsible use of fire, or fire safety equipment including smoke detectors, fire alarms, extinguishers, etc. or failing to follow fire drill or other emergency procedures.

Theft - Theft of University or personal property, including possession of stolen property, attempted theft, conspiracy to steal, misappropriation of University property or services, misappropriation of personal property and identity theft.

Abuse/Misuse of Technology - 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 Director of Student Integrity's website:
<http://www.xavier.edu/student-integrity/>.

Unauthorized Access - Engaging in the unauthorized entry, trespassing or tampering with respect to University premises, facilities, or properties or engaging in the unauthorized possession, duplication, or use of University keys and ALL Cards.

2.2.5. **Respect for University Values: Honesty and Integrity**

Xavier requires students to conduct themselves with respect for University values, including 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 Xavier Mission Statement, and to develop personal characteristics of honesty and integrity in all aspects of their lives. Students are expected to abide by all Xavier policies and procedures and to obey laws enacted by the federal, state, and local governments. All acts of dishonesty, including both academic dishonesty and conduct unrelated to academics that has an adverse impact on the University, violate this policy.

The following behaviors violate Xavier's expectations for Respect for University Values:

Dishonesty - 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 college in which the course is being taken with the assistance of the Director of Student Integrity Office when requested. More information regarding the Academic Honesty policy may be found in Section 2.3.9.1.

Forgery - Engaging in forgery, alteration, or misuse of University records, documents, instruments, or identification.

Complicity - Being present during the planning or implementation or otherwise assisting with a violation of any University policy. Students who anticipate or observe a violation of the Code of Student Conduct are expected to remove themselves from association or participation and are encouraged to report the incident. More information on the Complicity policy may be found in Section 2.3.9.2.

2.2.6. Respect for Community

Xavier requires students to conduct themselves with respect for community. By virtue of the Xavier University mission and its commitment to fostering a safe, caring, and supportive learning environment for students free from bullying, harassment, or discrimination, Xavier expects of every student that they be respectful of all individuals. Living in community means that every student must be mindful of and sensitive to 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.

The following behaviors violate Xavier's expectations for Respect

for Community:

Disorderly Conduct - Disorderly, lewd, indecent, or obscene conduct (including public urination) on or off University premises or at University sponsored or supervised activities including, but not limited to academic classes and activities.

Weapon Possession - The possession or use of firearms, explosives, fireworks, dangerous chemicals or other threatening weapons or devices of any description for any purpose including replicas.

Section 2.3. Conduct Specifically Permitted and Prohibited

2.3.1. Alcohol and Other Drugs

Xavier's Alcohol and Other Drug (AOD) Policy applies to all Xavier University students, as well as employees. A copy of the full text of the Policy is available on the Director of Student Integrity's website (<http://www.xavier.edu/student-integrity/>) and is incorporated herein by reference. The AOD Policy incorporates by reference the following provisions of this Handbook relating to student alcohol abuse and illicit drug use. It also addresses broader policies and guidelines pertaining to every member of the Xavier University community. Students are required to comply with all provisions of the AOD Policy.

2.3.1.1. Drug-Free Schools and Communities Act of 1989

The Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. Section 1011i; 34 C.F.R. Section 86.1 et seq.) requires institutions receiving federal financial assistance to establish drug and alcohol abuse prevention programs for students and employees. As a condition of receiving any federal funds or any other form of financial assistance under any Federal program, Xavier must certify that it has adopted and implemented a program that includes annually providing to all students and employees (regardless of full-time, part-time, temporary or permanent status) materials that contain standards of conduct, a description of the various laws that apply in that jurisdiction regarding alcohol and drugs, a description of the various health risks of drug and alcohol abuse, a description of

counseling and treatment programs that are available, and a statement on the sanctions Xavier will impose for a violation of the standards of conduct. This program must be reviewed biennially to determine its effectiveness and implement changes to the program if they are needed, and to ensure that conduct sanctions are consistently enforced.

2.3.1.2. Policy Statement

The University will uphold all federal, state and local laws regarding alcohol and other drugs. The unlawful possession, use, consumption or distribution of alcohol and other drugs by students or employees on University property or as a part of any University activity is prohibited. Violators are subject to the Student Conduct Process by Xavier and may be referred for prosecution in accordance with applicable laws. University-imposed sanctions for violations may include suspension, termination or expulsion, compulsory attendance at alcohol and other drug education or rehabilitation programs, or other appropriate disciplinary measures.

2.3.1.3. Standards of Conduct

The following is a non-exhaustive list of standards of conduct Xavier will enforce. Additional standards of conduct will be enforced in accordance with Federal, state, and local laws, and Xavier's Alcohol and Other Drug Policy.

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. Providing alcohol to a student who is not of legal drinking age is a violation of University policy by both parties.

Illegal and Prescription Drugs: The possession, consumption, and sale of illegal drugs and the abuse of prescription drugs are illegal and a violation of University policy.

Drinking Games and Instruments: Participation in alcohol drinking games and the possession of instruments designed to encourage excessive drinking (e.g., beer bongs) is prohibited and a violation of University policy.

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 the Student Conduct Process will be levied.

Public Intoxication: Public intoxication on any University-owned property (including but not limited to residence hall common areas, rooms and apartments) is prohibited and a violation of University policy.

False Identifications: The possession of a falsified identifications and the representation of another person's identification as one's own are prohibited and a violation of University policy. Such items may be confiscated and considered evidence of intent to purchase alcohol under the legal age limit. Knowingly providing an identification to another student to falsely represent as his or her own is also a violation of University policy.

Responsibility for Violations: Consumption of alcohol, legal or otherwise, neither removes nor absolves a student from his or her responsibility to observe University regulations.

Complicity: All students present where a violation is occurring are considered responsible for the violation and may face the Student Conduct Process. For example, if underage consumption of alcohol or use of illicit drugs is occurring in a student's room, all present may be held responsible.

Residence Life Policies: In any University-owned housing, students who are of legal drinking age may possess or consume alcohol in a student's room or

apartment. Consumption and possession of open containers of alcohol in public areas of University-owned housing is permitted only with the specific authorization of the Office of Residence Life. Kegs, beer balls and other large amounts of alcohol are not permitted in students' rooms or apartments. Alcohol containers are not permitted as decoration in students' rooms or apartments. Empty alcohol containers must be disposed of promptly. The possession of alcohol or alcohol containers will be considered evidence of consumption and the container may be confiscated and destroyed. No alcohol is permitted in Brockman Hall, Husman Hall, or in any University-owned room or apartment where all residents of that room or apartment are under the legal drinking age. Residence Life Staff who are assigned to alcohol-free areas are permitted to consume alcohol only in their own room or apartment. Alcohol-related conduct that infringes upon the rights of others to a quiet, orderly living environment is not acceptable. A student may be denied the privilege of University-owned housing if he or she repeatedly violates the Alcohol and Other Drug Policy or if he or she poses a danger to him or herself, others, or the environment while under the influence of alcohol or other drugs.

2.3.1.4. 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 July 20, 2012. 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:

- **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. 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.

- **State Law, Alcohol.** Ohio Revised Code (“O.R.C.”) Section 4301.63 provides that no person under the age of 21 years shall purchase beer or intoxicating liquor. The penalty for a violation may include 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.

O.R.C. Section 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 or her property. Punishments for violating O.R.C. Section 4301.631 range from fines of \$25 to \$250 and imprisonment up to 30 days.

O.R.C. Section 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. Violation of this law is a misdemeanor of the first degree. The maximum penalty is imprisonment

for not more than 6 months and a \$1,000 fine.

O.R.C. Section 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. Violation of this law is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.

O.R.C. Section 4301.64 prohibits the consumption of any beer or intoxicating liquor in a motor vehicle. Violation of this law is a misdemeanor of the fourth degree. The maximum penalty is imprisonment for not more than 30 days and a \$250 fine.

O.R.C. Section 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. Violation of this law is a 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.

O.R.C. Section 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. Violation of this law is a misdemeanor of the first degree. The maximum penalty is imprisonment for not more than 6 months and a \$1,000 fine.

O.R.C. Section 4511.19 prohibits any person from driving a motor vehicle while under the influence of alcohol and/or any drug of abuse. Violation of

this law is a 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.

- **State Law, Drugs.** O.R.C. Section 2925.02 provides that no person shall knowingly corrupt another with drugs by inducing or forcing them to use a controlled substance. The penalty is mandatory imprisonment from 6 months to 10 years, depending upon amount and type of drug involved and history of previous drug abuse offenses.

O.R.C. Section 2925.03 provides that no person shall knowingly “traffic” in controlled or illicit substances, including marijuana. Trafficking includes selling, offering to sell, delivering, distributing, preparing, cultivating, and manufacturing of controlled substances. The penalty is mandatory fines ranging from \$100 to \$20,000, depending on offense and drug involved, and mandatory jail sentences ranging from 6 months to 10 years.

O.R.C. Section 2925.11 provides that no person shall knowingly obtain, possess, or use a controlled substance. Drug abuse offenses 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.

O.R.C. Section 2925.12 provides that no person shall make obtain, possess, or use drug abuse instruments. A first offense can carry a jail term of up to 90 days and fines of \$750, plus driver’s license suspension for a period of six months to five years.

O.R.C. Section 2925.14 provides that no person shall knowingly use, possess with purpose to use, sell, manufacture or advertise drug paraphernalia. Depending upon the facts, the penalty is imprisonment up to 6 months and fines up to \$1,000.

O.R.C. Section 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. The penalty is fines up to \$1,000 and 6 months in jail, plus driver's license suspension for a period of six months to five years.

O.R.C. Section 2925.37 provides that no person shall knowingly possess, make, sell, or deliver counterfeit controlled substances. 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.

- **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. Penalties for violation of these local laws include fines not to

exceed \$1,000 (plus court costs) and imprisonment for up to six months.

2.3.1.5. Health Risks

According to the National Institute on Drug Abuse, alcohol affects every organ in the drinker's body. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver and heart diseases. Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to alcoholism, is a pattern of drinking that results in harm to one's health, interpersonal relationships, or ability to work. Additional health risks of alcohol include increased risk of injuries, violence, fetal damage (in pregnant women), depression, neurologic deficits, hypertension, and fatal overdose.

Also according to the National Institute on Drug Abuse, a variety of significant health risks are associated with the use of illicit drugs. Some of these health risks are as follows:

Marijuana: frequent respiratory infections, possible mental health decline, and addiction.

Opioids (such as heroin and opium): constipation, endocarditis, hepatitis, HIV, addiction, and fatal overdose.

Stimulants (such as cocaine, amphetamine, methamphetamine): weight loss, insomnia, cardiac or cardiovascular complications, stroke, seizures, and addiction.

Club drugs (such as methylenedioxy-methamphetamine/ecstasy, flunitrazepam/roofies, GHB): sleep disturbances, depression, impaired memory, hyperthermia, unconsciousness, seizures, coma, and addiction.

Depressants (such as barbiturates, sleep medications,

Xanax and Valium): lowered blood pressure, slowed breathing, tolerance, withdrawal, addiction, increased risk of respiratory distress and death when combined with alcohol, irritability, and life-threatening withdrawal in chronic users.

Anabolic steroids: hypertension, blood clotting and cholesterol changes, liver cysts, hostility and aggression, acne, in adolescents - premature stoppage of growth, in males - prostate cancer, reduced sperm production, shrunken testicles, breast enlargement, in females - menstrual irregularities, development of beard and other masculine characteristics.

Inhalants: cramps, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, unconsciousness, and sudden death.

2.3.1.6. Application of Alcohol and Other Drug Prevention Program to Students

In addition to possible legal penalties, violators of Xavier's Alcohol and Other Drug Policy are subject to interventions by Xavier as part of its alcohol and other drug prevention program. Xavier's program is based on a 3-tier environmental management model. It is evidence-based and designed to impact all Xavier students and employees based on the individual's current needs. A summary of possible interventions is available on the Director of Student Integrity's website (<http://www.xavier.edu/student-integrity/>). Students who violate Xavier's Alcohol and Other Drug Policy are required, when found responsible through the applicable Student Conduct Process, to participate in alcohol and other drug education programs. Students who are having difficulty with decision-making with regard to their alcohol or other 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 –
513-745-3022, www.xavier.edu/health-wellness;

Psychological Services – 513-745-3531,
www.xavier.edu/psychologicalservices;

Additional information about Xavier’s alcohol and other drug prevention program is available on the Health and Wellness Center’s website (<http://www.xavier.edu/health-wellness/prevention/alcohol-drug-prevention.cfm>).

2.3.1.7. Counseling and Other Resources

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.

2.3.1.8. Policy on Amnesty

Xavier’s Policy on Amnesty is designed to remove a student’s apprehension of reporting a policy violation from his or her decision to seek emergency assistance for oneself or a fellow student during an alcohol, drug or other medical emergency. The Amnesty policy encourages a bystander or an impaired student to call for immediate medical assistance by reducing the sanctions typically applied under Xavier’s Alcohol and Other Drug Policy. In such cases, however, Xavier has discretion to impose educational sanctions as a required activity that is intended to engage the student in a positive learning experience related to the student’s inappropriate behavior.

2.3.2. Harassment Policy

Harassment is 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. Harassment will not be tolerated.

Individuals who believe they have been harassed, individuals charged with harassment, and individuals with knowledge of situations in which harassment may exist should consult the Xavier University Harassment Code and Accountability Procedures (HCAP). All students are responsible and expected to know and follow the HCAP. Any student violation of the HCAP is also a violation of the Standards of Student Conduct. The full HCAP can be found at www.xavier.edu/hr/docs/employees/harassmentcode.pdf.

2.3.3. Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)

Sex discrimination is prohibited by Title IX (see Section 1.5.1.1 “Title IX of the Education Amendments Act of 1972”). As used in the Student Handbook, “sex discrimination” includes sexual harassment, sexual assault, sexual violence, stalking, rape, all other forms of sexual misconduct, or retaliation. Xavier University prohibits any Act of sex discrimination, including all forms of sexual misconduct.

For information on reporting any type of sex discrimination see Section 1.6.3.1 (“Reporting Sex discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation”). For information on resources related to sex discrimination, see Section 1.6.3.2 (“Resources”).

2.3.3.1. Prohibited Sexual Misconduct

Sexual misconduct is a broad term encompassing any unwelcome Act of a sexual nature perpetrated by any person against another without that person’s Consent or when that person is unable to freely give Consent. Sexual misconduct occurs regardless of whether there was intent to harm another. Incidents of a sexual nature which do not involve physical contact (e.g., offensive sexual words, comments, gestures, videos or pictures) may be sexual misconduct. Sexual misconduct can occur between people of different genders or people

of the same gender, or between an individual and a community of people. It can occur before or after consensual sexual activity. (Please refer to the definitions at 2.3.3.2 for additional clarification.)

Sexual misconduct is prohibited by the Xavier University Harassment Code and Accountability Procedures. In addition, the following types of sexual misconduct are prohibited by the Standards of Student Conduct:

(a) **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.

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)

- (b) **Public Indecency** – Masturbating or flashing/exposing breasts or genitals to others in a public and/or uninvited manner. It also includes engaging in an activity in public appearing to an ordinary observer to be sexual conduct or masturbation.
- (c) **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 video cameras, audio recording, or other technologies.
- (d) **Stalking** – A pattern of conduct by a person with a sexual, romantic or gender-based motivation that causes or is intended to cause another person to believe that the offender will cause physical harm or mental distress to the other.
- (e) **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.
- (f) **Sexual Exploitation** – Without the person’s Consent, taking sexual advantage of another for one’s benefit or the benefit of a third party.

- (g) **Sexual Imposition** – Sexual touching of another when the touching is unwanted or offensive to the other person, 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.
- (h) **Sexual Assault** – Sexual Assault occurs when an Act is committed by (a) physical force, violence, threat, or intimidation; (b) ignoring the objections of the other 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. All sexual misconduct involving physical force, violence, threat or intimidation falls under the definition of sexual assault and will be treated as such.
- (i) **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.
- (j) **Retaliation** – Retaliation against a person complaining of sexual misconduct is prohibited.
- (k) **Sexual Misconduct – Other** – A student 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 type of sexual misconduct listed in this section.

2.3.3.2. **Important Definitions for Understanding Sexual Misconduct**

- (a) “Act” means a sex act, including but 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.

- (b) “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.
- (c) “Consent” means words or actions that demonstrate an affirmative, knowing and voluntary agreement to engage in a mutually agreed-upon sexual act.

Consent must be informed and freely given. Consent is invalidated when it is forced, Coerced, or when a person is physically and/or mentally incapable of giving Consent. For example, a person who is substantially impaired by drugs or alcohol may not be able to Consent. Some signs of substantial impairment may include, but are not limited to, loss of balance/inability to walk without stumbling, slurred speech, inability to focus their vision, vomiting, erratic or extreme behavior, knowledge of person's significant use of drugs or alcohol, or passing out.

Consent is an active, on-going process. It can be withdrawn at any time, and Consent for one sexual act does not imply Consent for another subsequent sexual act. Consent, a lack of Consent or a withdrawal of Consent can be expressed by words or actions or both. For example, verbal silence or the absence of physical resistance does not automatically mean someone has consented to a sexual act; nor is physical resistance required for a person to verbally communicate a lack of Consent or to withdraw Consent.

In reviewing an allegation of sexual misconduct, Consent is a critical factor in determining whether there is a violation of this policy. Although all parties must give their Consent to any sexual act and it is the best practice for both partners to be

responsible for confirming that they have obtained the other's Consent; it is the responsibility of the person initiating the sexual act to obtain Consent from the other.

*The Hearing Officer or Hearing Panel may examine the issue of Consent from a variety of perspectives, including whether the Respondent believed he or she had obtained Consent and whether a reasonable person would have believed that he or she had obtained Consent. Although neither perspective is outcome-determinative for every case, **students are strongly advised to be mindful of and conduct themselves according to the reasonable person standard and to avoid any ambiguity in obtaining and giving Consent.***

2.3.4. On-Campus Living Policies

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, Xavier will not search quarters except in instances which the Director of Student Integrity, Director of Residence Life, 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 the following on-campus living policies may result in Student Conduct proceedings.

2.3.4.1. Amplified Equipment

Students living in University-owned housing are entitled to an environment conducive to sleep and study. Any sound equipment that causes a community disturbance may be confiscated temporarily or permanently. It is

suggested that students use the music room in Buenger Hall or Edgecliff Hall.

2.3.4.2. 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, and any other appliances that Xavier may determine is a potential fire hazard or maintenance issue. If there is a question about appliances that may or may not be used, contact the Office of Residence Life.

Halogen lamps are a fire hazard and are not permitted in any University-owned housing. All halogen lamps will be confiscated.

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, and hot rollers. If there is a question about appliances that may, or may not, be used; contact the Office of Residence Life. Refrigerators that do not exceed 4.3 cubic feet and use less than four amps of power, and microwaves that 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/or freezers in these residences are prohibited.

In all residence halls, only one 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.

2.3.4.3. 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. These items will be confiscated and students will face Student Conduct charges.

2.3.4.4. 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 to the Student Conduct Process.

2.3.4.5. Damages/Vandalism

Each student is responsible for the condition of and damage to his or 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

Xavier Bursar for the duration of the student's residence on campus.

- 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 or specific group, all members of a wing, floor, or building will be charged a prorated fee.
- Students receive a refund of their damage deposit if no damages are found by the final damage assessment 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 30 day waiting period is required.
- Residents will be held responsible for any damages and /or vandalism caused by their guests.

2.3.4.6. 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 the repairs. Failure to remove non-University furniture at the end of the year will result 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):

- Fire safety precautions must be followed when decorating. No more than 50% of a wall or window glass can be covered.
- Students may not use full or empty alcohol

containers to decorate their rooms.

- 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.
- Candles, incense, or other heat/flame producing items (including, but not limited to, halogen lamps, and oil lamps) are not permitted and will be confiscated.
- 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 Xavier community. If there are concerns regarding what constitute 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.
- 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.
- Christmas/Holiday lights are permitted from November 15-December 31. Lights must be hung without causing damage and should only be lit when residents are awake and 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.

2.3.4.7. Furniture

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

intended.

- Specifically, closets doors are not permitted to be removed for any reason as it causes damage to the cabinets/closets and hardware.
- In suite-style halls, residents are not permitted to put four beds in one room and make the other room into a “living room.”
- 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.
- Waterbeds are not permitted in any University-owned housing.
- Lofts are not permitted in any University-owned housing due to possible damage and injury they can cause. The only exceptions are Xavier-supplied lofts in some expanded occupancy rooms and in RA rooms in Buenger Hall.

2.3.4.8. Visitation and Guests

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 are permitted to stay provided they observe the procedures, policies, and regulations established by the residents, the staff, and Xavier. 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.

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. The guest is considered a trespasser and subject to removal if the above procedures are not observed.

Members of the opposite sex may be in individual student rooms or apartments and on single gender wings 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.

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 guest - with no more than six people in the room at any time. (If a resident is not sure if his or 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 or two guests, but the room may not have more than six people at any one time.
- In all other areas on campus (Bunger Hall, Fenwick Place, the Village, the Commons, 1019 Dana, Manor House, and University Apartments) each resident may have one or two guests per person, but no more than ten people per apartment or suite are allowed.

The guidelines for all areas are in effect 24 hours a day.

2.3.4.9. Lock-Outs

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 to another individual. If a student is locked out of his or 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.

2.3.4.10. 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 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.

2.3.4.11. 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. until noon Sunday through Thursday, and from 1:00 a.m. until noon on Fridays and Saturdays in all residence halls and apartments.

- 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.
- Electronic equipment or other items causing excessive and repeated noise will be confiscated temporarily or permanently due to the disruption to the community.
- Each semester, 24-hour quiet hours begin at 1:00 a.m. the Saturday before finals and extends

until the closing of the halls. Any student who fails to cooperate with this policy may be subject to fines, immediate removal from on-campus housing, and/or other sanctions through the Student Conduct Process.

2.3.4.12. 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.

2.3.4.13. Sports in the Hallway

Students are not permitted to play with or use sporting equipment in the hallways or other non-recreation interior spaces due to the potential for injury to persons or damage to property. Students are only permitted to engage in sports or use sporting equipment in appropriate areas outside or designated interior areas such as the O'Connor Sports Center or building recreation rooms. Any damage caused by engaging in sports or the misuse of sporting equipment will be the responsibility of the involved student(s).

2.3.4.14. Thermometers

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

2.3.4.15. 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 sanctions may be imposed through the Student Conduct Process.

2.3.4.16. 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 may result in sanctions through the Student Conduct Process.

2.3.4.17. 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 sanctions through the Student Conduct Process. Residents are responsible for the actions of their guests.

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

2.3.5. Standards for Off-Campus Living

These are the standards Xavier University will enforce to maintain the quality of student affairs off-campus. Because Xavier values community relationships, Xavier may hold students

accountable for their conduct off campus when made aware of the violations. This specifically includes, but is not limited to, Xavier's Policy of Respect and Alcohol and Other Drug, Harassment and Sex Discrimination Policies. The Director of Student Integrity will coordinate such processes. Alleged violations of or convictions of local, state, or federal law occurring off-campus may violate this policy when the conduct has an adverse impact on the University.

Students are living as residents of long established neighborhoods, which have abiding interests in maintaining property values and quality of life. It is a proper expectation that all 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 residences, both inside and outside, in an appropriate manner that reflects the standards and expectations for on-campus residential living. Students maintain the yard and outside areas. Do not allow visible trash or junk (i.e., old or battered furniture, empty beer kegs, etc.) to remain. 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 would like to have access to parking space in front of their homes. The law prohibits parking on sidewalks and 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 guests, provide them with a means of contacting you during the party or gathering (e.g., telephone number), and follow-up with them afterwards.

You may be liable for the actions of your guests. Be aware of your responsibilities and ensure that your guests know theirs. Contact local police if you need help controlling your party or gathering. The Cincinnati Police Department (city-wide dispatch) can be

reached at 513-765-1212. The Norwood Police Department can be reached at 513-458-4520.

2.3.5.1. Written Warnings for Off-Campus Parties and Disorderly House

Written warnings and other types of conduct sanctions may be applied to Xavier student residents of an off-campus property where the Standards of Student Conduct are violated. Students should note that a written warning will become part of the student's conduct file.

All student residents of an off-campus property will be responsible for violations that occur at their property. If a resident of the reported off-campus property has documentation from a credible source that he or she was not present at the time of the violation, that person may not be held responsible. Documentation must be submitted to the Director of Student Integrity or designee to determine if it will be accepted and the final decision will be that of the Director of Student Integrity or designee.

2.3.5.2. University Authority in Cases Occurring Off-Campus

In addition to its authority over student behavior on campus, Xavier 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 Xavier, 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 Director of Student Integrity or designee. See Section 2.3.5 ("Standards for Off-Campus Living").

2.3.6. Acceptable Usage of Computers, Electronic Devices and the Internet

2.3.6.1. Acceptable Use of University Computers and Network Systems

All students shall be required to abide by the Xavier University Policy on Acceptable Use of University Computers and Network Systems. This policy can be viewed online at www.xavier.edu/policy/documents/Acceptable-Use-Policy.pdf.

2.3.6.2. Illegal Sharing and Downloading

Students are expressly prohibited from engaging in illegal sharing or downloading. For the purpose of enforcing this provision, the term “illegal sharing and downloading” shall include the sharing or downloading of any data, files, software, information, music, videos, e-books, games, or other materials in violation of any third party’s copyrights, Xavier’s policy on Acceptable Use of University Computers and Network Systems, or any federal, state, or local law, rule, or regulation. In addition to any sanction through the student conduct process by Xavier, any student found to have engaged in illegal sharing or downloading may be subject to civil and criminal proceedings.

2.3.6.3. Social Media and Online Communities

Social media and online communities such as Facebook, Twitter, MySpace, LinkedIn, YouTube, blogs, and the like can be valuable tools for college students, both personally and professionally. Information posted on these sites, however, can often lead to negative or unintended consequences. Students understand that information posted on these sites may become available to advertisers, law enforcement, employers, alumni, campus organizations, Xavier administration, and other users. All information posted on these sites may be utilized for Xavier’s legitimate business purposes, including but not limited to assessing student conduct or health and safety matters.

Students are responsible for any and all consequence that may arise as a result of information posted on these sites, and students are encouraged to act accordingly.

Students' use of social media and online communities must also conform with all relevant policies governing Student Conduct, including, but not limited to, the Policies of Respect for Others and the Harassment Code. Violations of this policy may result in sanctions through the Student Conduct Process.

Unless a student obtains prior written consent from Xavier, students may not create any account, page, or profile on any social media outlet that (1) appears to be sponsored by or associated with Xavier or any Xavier group or organization, or (2) may lead others to believe that the account, page, or profile is sponsored by or associated with Xavier or any Xavier group or organization.

2.3.7. Advertisements

The distribution or display of advertisements on campus is a legitimate means of expression and communication. In keeping with the purposes and proper functioning of an academic community, all forms of advertising on campus (e.g., chalk, printed materials, and electronic signage) must comply with the guidelines set forth in Xavier's Advertisements Policy.

It is available on the Office of Student Involvement's website (www.xavier.edu/student-involvement/).

2.3.8. Health and Safety Issues, Including Fire Hazards

2.3.8.1. Fire Safety

Engaging in arson or the irresponsible use of fire or fire safety equipment is prohibited.

All persons must leave the building during fire alarms and may not reenter until instructed to do so by a University official (i.e., Xavier University Police Department Officer, or a Residence Life professional

staff member) or a firefighter. Students in a Residence Hall during a fire alarm should leave the window blinds open, close and lock their doors, and turn off the lights.

Students who fail to vacate during a fire alarm or who return to the building before they are permitted to do so are in violation of this policy. Any students who activate a false alarm or tamper with or misuses fire or safety equipment (such as fire extinguishers and door alarms) are in violation of this policy.

A violation of this policy, whether accidental or malicious, places the lives and safety of fellow students in danger. As such, Xavier takes violations of this policy very seriously. All violations of this policy will result in sanctions through the student conduct process as well as prosecution under Ohio law, when applicable.

2.3.8.2. Grilling

Due to fire safety concerns, grilling is permitted in designated areas only. Proper safety precautions must be taken when grilling. All grilling must take place at least 20 feet from buildings and structures. Grilling on porches or balconies is prohibited.

2.3.8.3. Hazing

No student or student organization shall participate in any form of hazing.

For the purposes of this section, the term “hazing” shall include any intentional or reckless act, or coercion of another to act, that is an implicit or explicit condition for initiation into, admission to, affiliation with, or continued membership in any group or organization, and which causes or creates a substantial risk of causing mental or physical harm, harassment, discomfort, embarrassment, or ridicule to any person. Examples of common hazing activities may include:

- Forced or coerced physical activity unrelated to any constructive event that is intended to or

creates a foreseeable risk of physical, psychological, or emotional harm;

- Paddling, striking, beating, pushing, shoving, immobilizing, or inappropriately restraining a student;
- Activities that result in unreasonable loss of sleep or study time;
- Forced or coerced consumption of alcohol, drugs, foods, or other substances;
- Abduction or forced relocation of a student;
- Psychological abuse;
- Forced or coerced activities that are inappropriate, disruptive, illegal, publicly indecent, or morally degrading.

All hazing allegations shall be reported to Xavier's Director of Student Integrity or the Office of Student Affairs. The failure to report any incidents of hazing is also a violation of this policy and may result in Student Conduct proceedings.

In addition to any Student Conduct sanctions imposed by Xavier, any student or organization found to have engaged in hazing may be subject to civil and/or criminal penalties in accordance with Ohio law and sanctions by any sponsoring organizations (e.g., national fraternity or sorority or NCAA).

2.3.8.4. 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 Xavier buildings and ensure no smoke enters a Xavier building; students and others who choose to smoke should do so at

least 15 feet away from any building entrance (including residence halls and apartments), open window, or ventilation system. Students are responsible for informing their guests of this policy and ensuring that guests adhere to it. Violation of this policy may subject the individual to the Student Conduct Process by Xavier as well prosecution under Ohio's Smoking Ban law (O.R.C. Section 3794.02).

2.3.8.5. Weapons

Possessing, using, or storing any firearm, ammunition, explosive device (including fireworks), or other deadly weapon in any form is strictly prohibited on any Xavier University property, in a facility or on any property owned, leased, or operated by Xavier. This section does not apply to 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, dangerous chemicals, and any other type of deadly weapon, or weapons that can cause bodily harm. Toy guns with “orange tips” removed or blacked out could be assumed to be real weapons and thus are also prohibited.

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 or 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 Department and will be held for safe keeping pursuant to established departmental procedures, or the weapon will be 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 University Police Department, be returned to said individual upon request and with proof of a valid license/permit. Such returns shall be made at the Xavier University Police Department under strict safety guidelines.

Any student found in violation of this policy is subject to conduct charges. Additionally, if any 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 sanctions (e.g., banned from campus) may be imposed. Likewise, the student who hosted the non-Xavier guest(s) may be held responsible for the actions of that guest(s) through the Student Conduct Process.

2.3.9. Miscellaneous Policies

2.3.9.1. 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 but are not limited to cheating, plagiarism, unauthorized assistance in assignments and tests, and the falsification of research results and material.

All work submitted for academic evaluation must be the student's own. Certainly, the activities of other scholars will influence all students. However, the direct and unattributed use of another's efforts is prohibited as is the use of any work untruthfully submitted as one's own.

Penalties for violations of this policy may include, but are not limited to, one or more of the following: a zero for that assignment or test, an "F" in the course, and expulsion from Xavier. The Academic Dean of the college in which the student is enrolled is to be informed in writing of all acts of academic dishonesty, although the faculty member has authority to assign the grade for

the assignment, test, or course. If disputes regarding the applicability or enforcement of this policy arise, the student, faculty member and department chair should attempt to resolve the issue. If this is unsatisfactory, the Academic Dean of the college will rule on the matter. As a final appeal, the Provost will call a committee of tenured faculty for the purpose of making a final determination.

2.3.9.2. Complicity

“Complicity” means allowing a violation to occur, whether by enabling the violation or failing to report it. Students may be held responsible for complicity for being present during a violation of the Standards of Student Conduct. Students may also be held responsible for any Code of Student Conduct violation that is occurring. It is the responsibility of each student to make a prudent choice when he or she becomes aware of a violation. Those choices include: 1) leaving the situation immediately; 2) advising those in violation of the Standards of Student Conduct to cease behavior and then leave the situation immediately thereafter; 3) reporting the violation of the Standards of Student Conduct and leaving the situation immediately; or 4) staying and possibly being charged with a violation of the Standards of Student Conduct.

2.3.9.3. 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, through the Director of Student Integrity and Campus Police, may limit the time, place, manner and scope of a demonstration by students. A demonstration is considered disorderly if it becomes disruptive and interferes with the freedom of other members of the Xavier community. Students participating in disorderly demonstrations may be subject to the Student Conduct Process by Xavier as well as criminal prosecution, if applicable. Demonstrations by those who are not Xavier students, faculty or staff are

not permitted on University property.

2.3.9.4. Disorderly/Disruptive/Damaging Behavior

The maintenance of a community environment conducive to learning, academic success and positive relationships is dependent upon the cooperative efforts of all community members, including students. As such, disorderly, disruptive and damaging behavior is prohibited. Any student who 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 the Student Conduct Process. Lewd, indecent or obscene conduct may constitute a violation of this policy. This policy can be violated by a single act of disorderly, disruptive or damaging behavior or a pattern of any such behavior. Patterns of behavior may be a succession of related acts or a series of actions over a period of time.

2.3.9.5. Gambling

No student or student organization shall engage in any form of gambling. Students and student organizations should consult with Associate Provost for Student Affairs, or designee prior to organizing or conducting fundraisers or other events that may simulate gambling (including but not limited to raffles, bingo, casino nights). Any student or organization believed to have engaged in prohibited or illegal gambling activities may be subject to the Xavier's Student Conduct Process, and/or legal action under state or federal law.

2.3.9.6. 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 Office of Student Involvement or designee. Door-to-door solicitation is strictly prohibited.

2.3.9.7. Student Conduct at Xavier Athletic Events

Unless provided by one of Xavier's authorized vendors, the possession or consumption of alcoholic beverages is expressly prohibited at all Xavier athletic facilities, including, without limitation, Cintas Center, Schmidt Field House or O'Connor Sports Center.

Students are prohibited from engaging in any conduct, which may be illegal, offensive, or disruptive at any Xavier athletic event. Such activities may include, without limitation, throwing or projecting objects of any kind, wearing inappropriate, inflammatory, or offensive clothing, using disruptive or abusive language or gestures, interfering with the progress of any athletic event, or entering the floor, field, track, or playing surface of any athletic facility before, during, or after an athletic event without prior approval.

Any student who violates this Section may be immediately ejected from an athletic event and suspended from attending future Xavier athletic events until the conclusion of the Student Conduct Process.

2.3.9.8. Theft

Entering a Dining Facility Without Presenting an ALL Card or Paying

Entering a University 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 Student Conduct Process.

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 Standards of Student Conduct and will be charged through the Student Conduct Process.

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, removing large quantities of food that may be used to feed others at a student gathering or for the purpose of “stockpiling” food at one’s residence is strictly prohibited and will be considered stealing and a violation of the Standards of Student Conduct.

Common Area Furniture

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 result in Student Conduct charges.

Residence Hall and Apartment Thefts

All thefts in the residence halls and apartments should be reported immediately to the Residence Life staff and to the Xavier University Police Department. A Xavier University Police Department Officer will assist you in filling out forms necessary for any insurance claim. Although Xavier 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.

PART 3. HANDLING OF STUDENT CONDUCT MATTERS

Section 3.1. Introduction

Students are responsible for knowing and abiding by the Standards of Student Conduct described in Part 2 of this Student Handbook. If someone complains that a student has violated any section of the Standards of Student Conduct, or if Xavier otherwise becomes aware that a student may have violated the Standards of Student Conduct, in most instances the matter will be reviewed in accordance with the Student Conduct Process set forth in Part 3 of this Handbook.

As described more fully below in Section 3.5 (“Methods of Resolving a Charge of a Violation of the Standards of Student Conduct”), student conduct matters may be resolved in one of three ways: the student, the “Respondent,” accepts responsibility for the charges and the accompanying sanction; or by way of an alternative resolution process; or by way of a hearing to determine whether the student is “responsible” or “not responsible” for the alleged violation. Students who accept responsibility for violations and students who are found responsible will be sanctioned in accordance with Section 3.7 (“Sanctions”) of this Handbook.

Students should be aware that violations of this Handbook are sometimes also potential violations of the law. For more information, see Section 1.3.5 (“Violation of Law and University Policy”) of this Handbook.

Section 3.2. How to Report an Incident Believed to be a Violation

Students, faculty, administrators, staff, guests, and members of the community are encouraged to report an incident they believe to be a violation of the Standards of Student Conduct by a student. Reports can be made to any of the following:

- Xavier University Police – 513-745-1000 (on and near campus emergencies) or 513-745-2000 (non-emergencies), Flynn Hall, 1648 Herald Avenue, Cincinnati, OH 45207;
- Title IX Coordinator (sex discrimination (including sexual harassment,

sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation)) – 513-745-3046, Gallagher Student Center, Room 332, 3800 Victory Parkway, Cincinnati, OH 45207;

- Residence Life – 513-745-3203 – Rm. 009D – Musketeer Mezzanine in Fenwick Place, 3800 Victory Parkway, Cincinnati, OH 45207;
- Director of Student Integrity – 513-745-3166, Gallagher Student Center, Room 302, 3800 Victory Parkway, Cincinnati, OH 45207;
- Advocate Program (sex discrimination, including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation) at 513-745-1000 or advocate@xavier.edu;
- Multicultural, Gender & Women’s Center, 513-745-3181, Gallagher Student Center, Room 200/280, 3800 Victory Parkway, Cincinnati, OH 45207, <http://www.xavier.edu/gender-diversity/>.

See also Section 1.6.3.1 (“Reporting Sex discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)”) and Section 3.2.1 (“Anonymous Reporting Hotline”) of this Handbook. Individuals should report incidents they have witnessed, have been involved in, or have reason to believe are in violation of the Standards of Student Conduct. Reports may be made in writing or verbally, by email, in person or over the phone.

3.2.1. Anonymous Reporting Hotline

The Office of Audit and Risk Management manages Xavier’s Anonymous Reporting Hotline for employees and students. The hotline allows users to confidentially report potential ethical misconduct or breaches of laws, rules, regulations or University policies. It may be accessed online (www.xavier.edu/audit-risk/ethicspoint.cfm) or by calling a toll-free telephone number at 855-481-6238. Students may also use the hotline to follow-up on a report. Note: Users will be taken to a secure web site hosted outside of the Xavier University network to assure anonymity of on-line reports.

Xavier prefers reports regarding student conduct matters be made to one of the other locations set forth in Section 3.2 (“How to Report an Incident Believed to be a Violation”) so that Xavier may better address the matter. However, Xavier would rather that an

anonymous report be made than no report at all.

3.2.2. Policy on Amnesty

The University strongly encourages victims and individuals to report all student conduct violations, especially sex discrimination, violence in general (including sexual violence) and medical emergencies. It is likely that many victims may be hesitant when it comes to reporting conduct that he/she believes violates the Standards of Student Conduct because of fear that they personally may be accused of violating certain Standards of Student Conduct in connection with the incident they are reporting. Underage drinking is a common example of conduct that may have occurred during an incident involving conduct that is in violation of the Standards of Student Conduct. However, because it is so important for individuals to report serious incidents in order to encourage reporting, Xavier will not charge a victim who was participating in a non-violent violation (e.g., unauthorized use of alcohol) at the time of the violent incident or that related to the violent incident or at the time in which the violent incident occurred. Xavier may also provide amnesty for students who report medical emergencies that may have occurred during an incident that involves a potential conduct violation. In such cases, however, Xavier has discretion to impose educational sanctions as a required activity that is intended to engage the student in a positive learning experience related to the student's inappropriate behavior. See Section 3.7.1.3 ("Educational Sanction").

Section 3.3. Interim Measures for Individuals and/or the Campus Community

Pending resolution of a Student Conduct matter, "Interim Measures" may be taken by the Director of Student Integrity, Director of Residence Life or Xavier University Police before a student conduct hearing, if any, when there is a significant student conduct or health and safety concern that requires immediate intervention to preserve and support the general welfare and academic experience of one or more students and/or the Xavier community. In matters involving allegations of sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation), the Title IX Coordinator may work with the listed individuals to identify, coordinate or implement Interim Measures. Requests for Interim Measures should be directed to the Director of Student Integrity, Director of Residence Life, Xavier University Police or Title IX Coordinator. The following is a list of Interim Measures

that may be implemented, if appropriate.

3.3.1. No Contact Order

A No Contact Order can be issued to prevent a person from contacting another person. See Section 3.7.1.7 (“No Contact Order”) for more details. Note that confidentiality of the requesting party’s identity cannot be maintained when a no contact order is requested to keep the student alleged to have violated the Standards of Student Conduct from having contact with the person making the request for no contact.

3.3.2. Escorts

Arrangements may be made so that a student has an escort (a friend, a police officer, or another individual) at particular times (e.g., to/from a particular class or activity, to/from his or her vehicle to be able to go to work off campus, etc.).

3.3.3. Added Police Presence

Xavier University Police Department presence may be increased in a particular area or over the entire campus.

3.3.4. Making Adjustments to On-Campus Living Arrangements

Adjustments may be made to a student’s on-campus living arrangements, if space allows. For example, a student may be required to move to a different dormitory if he or she is in the same dormitory as a student who has been personally adversely affected by an alleged violation of the Standards of Student Conduct. A student may also be required to move off-campus in certain circumstances. Note that the burden of any move or other adjustment will usually be placed on the student alleged to have violated the Standards of Student Conduct.

3.3.5. Making Adjustments to Class Schedules or Xavier Activities

Adjustments can be made to a student’s class schedule and/or his or her participation in a Xavier activity (e.g., a student club, a club or NCAA athletic team, a Xavier-sponsored trip, etc.) may be limited or restricted, pending the resolution of a student conduct matter. For example, a student may be required to withdraw

from or make other arrangements for participating in a particular class that is shared with a student who has been personally adversely affected by an alleged violation. Note that the burden of any change will usually be placed on the student alleged to have violated the Standards of Student Conduct. If the resolution of the underlying conduct matter does not result in a separation from Xavier (i.e., suspension or expulsion), measures will be taken to assist the student in mitigating any negative academic impact resulting from the temporary adjustments to his or her class schedule or Xavier activities.

3.3.6. Administrative Separation from Xavier

Should an individual pose an immediate danger to or severely disrupt the Xavier community, or endanger any individual (including oneself), a student may be separated from Xavier, including removal from all housing, classes and activities, pending the resolution of a student conduct matter. If the resolution of the underlying conduct matter does not result in a separation from Xavier (i.e., suspension or expulsion), measures will be taken to assist the student in mitigating any negative academic impact resulting from being administratively separated from Xavier. The decision whether or not to impose an Administrative Separation will be at the sole discretion of the Director of Student Integrity. Any student placed on Administrative Separation pending the Student Conduct Process may not return until after the conclusion of the Student Conduct Process.

3.3.7. Other Interim Measures

Other Interim Measures may be taken if deemed appropriate by the Director of Student Integrity, based on the facts and circumstances of a particular situation.

3.3.8. Emergency Medical Withdrawal

Interim Measures may be taken by the Director of Student Integrity to address a medical or behavioral emergency involving a student (including a mental health crisis). A student whose conduct involves threatening behaviors and which is contrary to the Standards of Student Conduct, due to psychological or other medical difficulties may be required to participate in the Student Conduct Process and/or to obtain a diagnostic evaluation. A student may also be required to participate with the university in

developing a relevant treatment plan. Failure to comply with the treatment requirement can result in contact with parents, disciplinary action, and removal from on-campus housing, and/or mandatory withdrawal from Xavier.

Further, Xavier may disclose information from a student's education 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 has knowledge of conduct that causes a belief that a student is a direct threat of danger to others or if the student has demonstrated behaviors that are disruptive to the community or constitute violations of the Standards of Student Conduct, Xavier reserves the right to mandate a diagnostic assessment. This assessment will be conducted by an independently licensed professional acceptable to the University. In such instances, the student will be required to sign a release of information indicating that specific limited information can be shared with the Director of Student Integrity regarding the outcome of the assessment which may become part of the student's education 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 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 Director of Student Integrity within five business days of the request, the Director of Student Integrity may make contact with parents, and/or the student may be subject to disciplinary action, removal from on-campus housing, and/or mandatory withdrawal from Xavier.

Upon completion of the assessment, the Director of Student Integrity will consult with the assessor and others, including the student, to determine whether in the Director's judgment the student no longer poses a direct threat of danger to others. If the Director determines that the direct threat is no longer existent, the Interim Measures shall be removed in whole or in part so that the student may be permitted to return to the University. The Director may, if deemed appropriate and/or necessary, impose limitations such as, for example only, allowing the student to attend classes but no longer live in the residence halls.

Section 3.4. Title IX Coordinator – Sex Discrimination Charges Only (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)

Sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation) is prohibited by Title IX of the Education Amendments of 1972 (“Title IX”) and Xavier. More information about this prohibited conduct, including examples, can be found at Section 2.3.3 (“Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation”) of this Handbook and in Xavier Harassment Code and Accountability Procedures (www.xavier.edu/hr/docs/employees/harassmentcode.pdf).

3.4.1. Contact Information

As listed above, the Title IX Coordinator can be contacted for purposes of making a complaint or to get information and resources related to sex discrimination issues at 513-745-3046.

3.4.2. Role

The Title IX Coordinator is responsible for overseeing all of Xavier’s Title IX compliance efforts. Matters of sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation) must be handled in accordance with this Handbook, which is drafted in compliance with Title IX. With respect to violations of the Standards of Student Conduct the Title IX Coordinator will work with the Director of Student Integrity to oversee the conduct process – from complaint to resolution – of any allegation that, if proven true, would constitute sex discrimination. This includes conducting an investigation of the complaints, producing a report, providing the report and collected materials to the proper Hearing Officer or Hearing Panel, and monitoring Interim Measures and sanctions.

3.4.3. Fact-Finding Investigation

The Title IX Coordinator (or deputy) will promptly investigate all complaints of sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual

misconduct, or retaliation). Under Title IX, this investigation must be adequate, reliable and impartial. While the time it takes to conduct an investigation depends on the particular facts and circumstances, most investigations will begin within 10 business days of a complaint being made and will be completed within 15 business days of the date the investigation is started. These timelines may expand or contract depending on many factors including, but not limited to, the complexity of the matter, the availability of witnesses or evidence, or the time in the school year when the investigation takes place. In general, the Title IX Coordinator's fact-finding investigation will include talking to the parties involved, other witnesses, members of law enforcement (if applicable), other individuals and collecting any materials or information that may be related to the allegations.

3.4.4. Title IX Coordinator's Report

After concluding the fact-finding investigation, the Title IX Coordinator or deputy shall prepare a written report, summarizing the facts, materials or other information collected and any observations made during the investigation. The report is intended to be factual in nature and not draw conclusions or give opinions about as to whether a violation occurred. The report and any other collected materials are provided by the Title IX Coordinator to the Hearing Officer or Panel.

3.4.5. Compliance With Law Enforcement

To the extent consistent with Title IX and the best interests of all concerned (as determined by Xavier), Xavier will comply with law enforcement requests for cooperation. Such cooperation may require Xavier to temporarily delay the start of or suspend an ongoing fact-finding investigation while the law enforcement agency is in the process of gathering evidence (not the ultimate outcome of the criminal investigation or the filing of any criminal charges). If Xavier has temporarily delayed or suspended its investigation, Xavier will promptly resume its investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering process. Law enforcement agencies typically take three to ten calendar days for their evidence gathering process, although the delay in Xavier's investigation may be shorter or longer in certain circumstances. In any case, Xavier may implement appropriate Interim Measures during the law enforcement agency's investigation period to

provide for the safety of the Complainant and the campus community and to avoid retaliation. For additional information about Interim Measures by Xavier, see Section 3.3 (“Interim Measures For Individuals and/or the Campus Community”).

Section 3.5. Methods of Resolving a Charge of a Violation of the Standards of Student Conduct

3.5.1. Accept Responsibility for Alleged Violation and Associated Sanctions

At any time before the start of a hearing or alternate resolution process, the Respondent may elect to accept responsibility for the alleged violation(s) and accept the benchmark or other appropriate sanctions.

3.5.2. Alternate Resolution Process

In some instances, the Director of Student Integrity or designee may determine that an Alternate Resolution Process, such as mediation, facilitated dialogue, conflict coaching, or other resolution methods may be appropriate. If so, the Director of Student Integrity or designee may, at his or her sole discretion, offer one or more of these options to the Respondent and any other party involved, such as a Complainant. (Alternate resolution processes are not appropriate and will not be offered in sexual assault allegations.) The offered approach must be agreed to by all parties. If one or more parties is not interested in attempting to resolve the matter by the alternate process offered by the Director of Student Integrity or designee, the matter will proceed to a hearing. If the parties do agree to the offered Alternate Resolution Process, the Director of Student Integrity or designee will make arrangements for it to begin. In all matters, the Complainant and Respondent shall have the right at any time before a resolution is reached to stop the Alternate Resolution Process and have the matter proceed to a Student Conduct hearing.

Any matter resolved through the Alternate Resolution Process is not subject to appeal. Failure by the Respondent to participate fully and actively in the alternate resolution process, after agreeing to do so, may result in the matter being referred back to a Student Conduct hearing.

Alternate Resolution Process may be offered and may begin before or after a charge letter is issued to the Respondent. If before, a charge letter may or may not be issued before resolution.

3.5.3. Hearings

In the event an alternate process is not offered by the Director of Student Integrity or an alternate process is not agreed to by the parties, and the Respondent has not accepted responsibility and/or the sanctions offered, the matter will proceed to a hearing. For more information about hearings, see Section 3.6 (“Hearings on Alleged Violations of the Standards of Student Conduct”) of this Handbook.

Section 3.6. Hearings on Alleged Violations of the Standards of Student Conduct

3.6.1. Determining Who Will Hear a Student Conduct Matter

Alleged violations of the Standards of Student Conduct will be reviewed and decided upon by a Hearing Panel or a Hearing Officer at one of the two Hearing Levels described below.

The Director of Student Integrity or designee shall determine which Hearing Level is the appropriate venue for the particular matter. The Director of Student Integrity or designee shall also determine if the matter will be heard by a Hearing Panel or a Hearing Officer. In making these decisions, the Director of Student Integrity or designee may consider the nature of the alleged violation(s), the possible sanctions, the interests of Xavier, and the interests of the Complainant and Respondent, if appropriate, though the decision shall be made in the Director’s or designee’s sole discretion. The Director of Student Integrity may also generally designate that all matters of a particular variety be handled in a particular way (e.g., that all afterhours noise violations be heard by a Level 2 Hearing Officer).

3.6.2. Student Rights and General Information Pertaining to All Student Conduct Hearings

The Student Conduct Process is an educational process and 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 following rights and information apply in all hearings.

3.6.2.1. General Information

- (1) The student being charged with an alleged violation of the Standards of Student Conduct is referred to as the “Respondent.”
- (2) In some cases, the Respondent’s alleged conduct may have personally adversely affected another individual. Generally, that other individual may choose to act as the “Complainant” within the Student Conduct Process; as a witness only; or not be involved in the hearing in any capacity.
- (3) As Xavier administers hearings in accordance with these procedures, it reserves the right to collect and offer information and present witnesses to be considered by the Hearing Officer or Hearing Panel. The people acting on behalf of Xavier for these purposes are identified later in these procedures.
- (4) The purpose of a hearing is to determine if a Respondent is “responsible” or “not responsible” for the alleged violation of the Standards of Student Conduct.
- (5) A Respondent will be found “responsible” if responsibility for the charged violation is established by a “preponderance of the evidence.” This means that the Hearing Officer or Hearing Panel has determined that it is “more likely than not” that the Respondent violated the Standard of Student Conduct at issue.
- (6) The Respondent, Complainant and Xavier may identify witnesses to be called at a hearing. Only witnesses with knowledge directly related to the pending charges will be allowed to testify at the hearing. If he or she has not already done so in

conjunction with the preparation of his or her report, the Title IX Coordinator or deputy may interview a witness prior to the hearing so that the Director of Student Integrity can determine if the witness has knowledge directly related to the pending charges. Witnesses may be dismissed from the hearing if testimony is based on opinion or perceived character alone. A Hearing Officer or Hearing Panel may reasonably limit the scope and time devoted to each case or item of discussion during the hearing, including the number of people testifying or providing information. Specifically, corroboration provided by witnesses shall be allowed where appropriate, but repetitive testimony, discussion or witness material may be limited.

- (7) The Respondent and Complainant may each submit one written statement on his or her own character which will be read at the hearing.
- (8) Student conduct hearings are not governed by the rules of evidence used by courts.
- (9) At the Director of Student Integrity's discretion, multiple incidents involving the same individual may be considered in one hearing.
- (10) At the Director of Student Integrity's discretion, charges against multiple Respondents charged with the same or related violations arising out of one or more related incidents may be considered in one hearing.
- (11) Generally, a Complainant or witness does not have a right to learn the outcome of the hearing. However, when the alleged violation is a crime of violence (including but not limited to sexual assault or rape) or a non-forcible sex offense (including but not limited to sex discrimination and sexual harassment), the Complainant or other victim will be provided written notification of the outcome of the hearing with respect to that alleged violation. For more information see

Section 3.6.3.2 (“Required Disclosures”).

- (12) All Hearing Panel Members and Hearing Officers receive annual training, appropriate for the types of cases they are likely to hear.

3.6.2.2. Rights of the Respondent

- (1) The Respondent has the right to be present throughout the hearing but not during the deliberation of the Hearing Officer or Hearing Panel.
- (2) The Respondent has the right to remain silent. If silence is maintained, the outcome of the hearing will be determined on the information presented. The Hearing Officer or Hearing Panel may not draw any inference from a Respondent’s choice to remain silent.
- (3) The Respondent has the right to respond to the allegations against him or her.
- (4) The Respondent has the right to hear all of the information presented and to question the Complainant and any witnesses who testify at the hearing, except that the Respondent will not be permitted to directly question an alleged victim of sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation); questions in those cases will be posed by the Respondent to the Chair of the Hearing Panel or the Hearing Officer and then transmitted to the Complainant unless deemed inappropriate or irrelevant by such officer.
- (5) The Respondent has the right to present pertinent information and witnesses to substantiate his or 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, the Director of Student Integrity may, in his or her sole discretion, approve submission of a written

statement in advance of the hearing to be introduced at the hearing.

- (6) The Respondent has the right to be assisted in all matters within the Student Conduct Process by a current member of the Xavier community (student, faculty, or staff member) (the “Advisor”). The Advisor may help a Respondent prepare his or her position, but may not present it or speak for or on behalf of the Respondent at the hearing. The Advisor may attend the hearing. 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. Independent legal counsel may be retained and consulted by the Respondent, but may not attend the hearing or represent the Respondent at any stage of the Student Conduct Process. See Section 1.3.5.3 (“Independent Legal Counsel”) of this Handbook. The Advisor may not be the Respondent’s parent, even if the parent is a member of the Xavier community.
- (7) The Respondent has the right to submit a request for appeal of the outcome of a hearing. The request must be made as described in Section 3.6.7 (“Appeals”).

3.6.2.3. Rights of the Complainant

A student, who registers a complaint and acts as the Complainant within the Student Conduct Process against another student (the Respondent) for an alleged action that personally adversely affected the Complainant, has the following rights:

- (1) The Complainant has the right to be present throughout the hearing but not during the deliberation of the Hearing Officer or Hearing Panel.
- (2) The Complainant has the right to hear all of the

information presented and to question the Respondent and any witnesses who testify at the hearing, except that the Complainant will not be permitted to directly question the Respondent regarding alleged Title IX violations such as sex discrimination, sexual harassment, sexual assault, sexual violence or rape. Questions in those cases will be posed by the Complainant to the Chair of the Hearing Panel or the Hearing Officer and then transmitted to the Respondent unless deemed inappropriate or irrelevant by such officer.

- (3) The Complainant has the right to present pertinent information and witnesses to substantiate his or 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, the Director of Student Integrity may, in his or her sole discretion, approve submission of a written statement in advance of the hearing to be introduced at the hearing.
- (4) The Complainant has the right to be assisted in all matters within the Student Conduct Process by a current member of the Xavier community (student, faculty, or staff member) (the “Advisor”). The Advisor may help a Complainant prepare his or her position, but may not to present it or speak for or on behalf of the Complainant at the hearing. The Advisor may attend the hearing. 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. Independent legal counsel may be retained or consulted by the Complainant, but may not attend the hearing or represent the Complainant at any stage of the Student Conduct Process. See Section 1.3.5.3 (“Independent Legal Counsel”) of this Handbook. The Advisor may not be the Complainant’s parent, even if the parent is a member of the Xavier community.

- (5) In matters involving allegations of sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation), the Complainant has the right to request to be separated from the Respondent during the hearing. The Complainant's request will be accommodated unless to do so would result in some fundamental unfairness (such as where, for example only, the Complainant's identity is an issue) and so long as the student's rights to hear all information presented are preserved. This will be done so that the Hearing Officer or Hearing Panel can see and communicate with both the Complainant and the Respondent. For example, the Complainant and Respondent may be separated from one another by a barrier wall.
- (6) A Complainant may choose how much he or she wants to participate in the hearing process:
 - (a) Full participation – the Complainant may question the Respondent (if permitted) and witnesses recount the facts and circumstances relating to the charge and make an impact statement.
 - (b) Partial participation – the Complainant may serve as a witness, answer questions, but not ask questions, and make an impact statement.
 - (c) The Complainant may choose not to be involved in the hearing but to have a statement read in his/her absence. It should be understood that this will limit the process's ability to fully address the charges.

3.6.3. Confidentiality and Disclosures

3.6.3.1. General Confidentiality

The name, status, and violations or alleged violations of any student will not be disclosed to anyone other than the appropriate University officials, except as required or permitted by law. Generally, the outcome of any Student Conduct Process and appeal will remain confidential. These statements of general confidentiality are subject to the following rules on required disclosures and permissible disclosures.

3.6.3.2. Required Disclosures

Under Federal law, Xavier must provide written notice to the Complainant or other victim and the Respondent of the final results of any Student Conduct Process brought against a Respondent for alleged violations of the Standards of Student Conduct that, if proven, would constitute a crime of violence (including but not limited to sexual assault or rape) or non-forcible sex offense (including but not limited to sex discrimination and sexual harassment). This is required regardless of whether or not the Respondent is found responsible for the alleged violation, and may only include the final results of the Student Conduct Process with respect to that violation. This disclosure will be made whether or not the alleged victim is the Complainant. Once disclosed, the Complainant and/or Victim may only re-disclose the Respondent's name, the final determination with respect to the alleged offense and any sanctions imposed on the Respondent. In addition, if such a violation is found to have occurred, the Complainant or other victim shall receive additional notice of the actions the University will take designed to remediate the effects of the violation and to prevent its recurrence (which may include but not be limited to those described in Section 3.3).

3.6.3.3. 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/legal guardian of a dependent student if

the student has violated the Standards of Student Conduct or the student is in jeopardy of being removed from University-owned housing. The University will not disclose any information to parents without proof of dependency. The parents/legal guardian of non-dependent students may be notified when a student has violated the Standards of Student Conduct if written consent for access to records has been provided by the non-dependent student. Additionally, Xavier may notify the parents/legal guardian of any student under age 21 of any violation of a federal, state, or local law, or University policy regarding the use, or possession of alcohol or a controlled substance. 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 also disclose in the best interest of the campus community to the campus community the final results of a student conduct process where the Respondent was found responsible for a violation of the Standards of Student Conduct that constitute a crime of violence or non-forcible sex offense. (See Section 3.6.3.2 (“Required Disclosures”) for more information on these terms.

In accordance with Federal law, any final results to be disclosed under this paragraph may include only the name of the Respondent, Xavier policies or rules that were violated and any sanction imposed.

- (3) The University may disclose information from a student’s education 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.

3.6.4. Hearings

All Student Conduct Hearings will be heard either by a Hearing Officer or a Hearing Panel at one of the two Hearing Levels described below.

3.6.5. Level One Hearings

3.6.5.1. Matters Heard at Level One

Level One Hearings are matters considered to be of the most serious or egregious nature. For example, matters involving the possibility of suspension or expulsion and matters involving repeat offenders of the same or similar violations are examples of cases that are likely to be heard in a Level One Hearing. Any charge of sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation) will be heard in a Level One Hearing. As described more fully below, information is collected in advance and is presented in an impartial manner to the Hearing Officer or Hearing Panel. Level One Hearing Officers and Hearing Panels will make decisions regarding responsibility based on the information presented at the hearing and will make recommendations of sanctions, if any, to the Director of Student Integrity or designee based upon that information, as well as prior student conduct violations for which the student was found responsible.

3.6.5.2. Notice of Charges for Level One Hearings

A student charged with a violation of the Standards of Student Conduct (the “Respondent”) that has not already been resolved by the Alternate Resolution Process will be sent a charge letter by the Director of Student Integrity or Director of Residence Life to the student’s Xavier email account.

(1) Content of Charge Letter for Level One Hearings

Generally, a charge letter will inform the Respondent of the Standards of Student

Conduct sections allegedly violated; reference the Student Handbook section that contains information about possible sanctions; direct the student to information about the Student Conduct Process; and provide notice that the student may accept responsibility for the alleged violation(s) of the Standards of Student Conduct and accept the benchmark or other appropriate sanctions for the alleged violation as determined by the Director of Student Integrity or designee. Notification of the date, time and location of a hearing will typically be included in the charge letter or may be provided to the Respondent at a later time.

(2) **Complainant Involvement in Level One Hearings**

Many violations of the Standards of Student Conduct that call for a Level One Hearing personally adversely affect the person who made the complaint leading to a charge. Such a person is given the option to act as a Complainant within the student conduct process. To ensure that the charges are consistent with the Complainant's complaint, the Director of Student Integrity may review the charges with the Complainant for completeness and accuracy before sending the charge letter to the Respondent, but the final decision as to the contents of the charge letter shall be made solely by the Director of Student Integrity.

3.6.5.3. Level One Hearing Officers and Hearing Panels

Whether a particular matter will be heard by a Hearing Officer or Hearing Panel will be determined at the sole discretion of the Director of Student Integrity or designee. Level One Hearing Officers and Hearing Panels will be selected from a pool of faculty members, administrators, and students who receive annual training (the "Level One Pool"). Only faculty and administrators may serve as Hearing Officers. Hearing Panels will consist of no less than six individuals,

comprised of no less than two faculty members, two administrators, and two students. In addition to the six members of a Hearing Panel, a Panel Chair will be selected from the Level One Pool. The Panel Chair may not be a student.

3.6.5.4. Identification, Collection, Dissemination and Presentation of Information

In matters to be heard by a Level One Hearing Panel, the Director of Student Integrity is responsible for identifying, collecting and disseminating information to be presented at the hearing to the Hearing Panel in accordance with these procedures. At the hearing, the Panel Chairperson shall present the matter, including materials collected from the Respondent, the Complainant, and by Xavier to the Hearing Panel in an impartial manner. The Panel Chair may answer questions about the source of the materials presented, but will not act as a witness or offer an opinion on the issue of responsibility. During the Hearing Panel's deliberations, the Panel Chair will be present and will facilitate deliberations. The Panel Chair will vote on the issue of responsibility only in the case of a tie.

3.6.5.5. Timing of Level One Hearings

- (1) A Level One Hearing will be scheduled no sooner than five business days after the charge letter is sent to the Respondent. At least five business days before a Level One Hearing, the Respondent and the Complainant (if any) will be notified of the date, time and location of the hearing and will be provided with all documents to be presented to the Hearing Officer or Hearing Panel. FERPA-protected information may be redacted. Each party will have two business days after Respondent and Complainant are notified of the date, time and location of the hearing to notify the Director of Student Integrity of a need to change the date or time of the hearing. Changes to date and time will only be granted for good cause, as determined in the sole discretion of the Director of Student Integrity. The parties will be notified in

writing of any change to the date, time or location at least two business days before the originally-scheduled hearing date.

- (2) At least five business days before the hearing, Respondent and Complainant, if any, will be notified of the name of the Hearing Officer or the names of Hearing Panel members. Respondent and Complainant, if any, have two business days after notice of the name of the Hearing Officer or names of Hearing Panel Members is sent to object to the Hearing Officer or any Hearing Panel member in writing to the Director of Student Integrity. The objection must state why it is believed a particular individual or individuals cannot be fair and impartial. Upon receipt of such objection, the Director of Student Integrity or designee will replace an objected-to individual only if, in his or her judgment, it is determined that the objected to individual, may not be fair and impartial in considering the matter. The parties will be notified in writing of any change of the Hearing Officer or to the Hearing Panel at least two business days before the hearing.
- (3) At least two business days before the hearing, the Respondent and Complainant, if any, must submit to the Director of Student Integrity any documents or other materials they want considered in the hearing, as well as a written list of witnesses they want to testify at the hearing.
- (4) At least 24 hours before the hearing, the Respondent and Complainant, if any, will each be given a list of all witnesses who will be called at the hearing, including witnesses submitted by the Respondent, the Complainant and Xavier.

“Business days” means any day that is not a weekend, University break period or a national holiday.

3.6.5.6. Level One Hearings Procedures

A Level One Hearing will be conducted according to the following procedures:

- (1) The hearing will be closed to everyone except those persons specifically provided for in this process or persons whose presence at the hearing is authorized in advance by the Director of Student Integrity (in cases heard by a Hearing Officer) or the Panel Chair (in cases heard by a Hearing Panel).
- (2) There will be no representation by legal counsel in the hearing.
- (3) A scheduled hearing may proceed in the absence of a Respondent, a Complainant, or any other individual who fails to appear. An absence will not be considered grounds for an appeal.
- (4) At the beginning of the hearing, the Respondent and Complainant will each be advised of his or her rights. Either the Director of Student Integrity or the Panel Chair shall present the matter, including materials collected from the Respondent, the Complainant, and by Xavier to the Hearing Officer or Hearing Panel. The Complainant, the Respondent, and the Hearing Officer or Hearing Panel will be provided the opportunity to ask relevant questions about the materials and testimony presented.
- (5) At the conclusion of the hearing, the Hearing Officer or Hearing Panel shall confidentially consider all of the materials and information available at the hearing to formulate a decision on the issue of responsibility. Except in exigent circumstances, the decision should be made within five business days of the conclusion of the hearing.
- (6) If a student is found to be responsible, the Director of Student Integrity shall then provide the Hearing Officer or Hearing Panel with records

reflecting any prior student conduct violations for which the Respondent was previously found responsible, which information may be considered by the Hearing Officer or Hearing Panel in recommending a sanction.

- (7) If a Respondent is found responsible, the Hearing Officer or Hearing Panel will recommend sanctions to the Director of Student Integrity, who will assess the sanction(s) he or she deems appropriate; provided, however, in cases involving any charge of sex discrimination (including sexual harassment, sexual assault, sexual violence, stalking, rape, other sexual misconduct, or retaliation), the Director of Student Integrity will act only after confirming with the University's Title IX Coordinator that the proposed sanction and any remedies imposed are sufficient to remedy the discrimination. If the sanction ultimately imposed varies from the recommendation of the Hearing Officer or Hearing Panel, the Director of Student Integrity will include the reasons for such variance in the notices provided to the Complainant or other victim and the Respondent as required by this Handbook. Further, it is understood that ultimate oversight authority and coordination of compliance with Title IX rests in the University's Title IX Coordinator who may, in addition to any sanction imposed, take steps to remedy the effects of the discrimination and to prevent its recurrence (which may include but not be limited to those described in Section 3.3).
- (8) Written notice of the outcome of the hearing, the sanction imposed, if any, and information about requesting an appeal will normally be provided to the Respondent within five business days of the conclusion of the hearing. In charges involving violence (including, but not limited to, sexual assault or rape) or a non-forcible sex offense, notice of the outcome of the hearing with respect to that alleged violation will be issued to the Complainant or other victim at the same time

notice is issued to the Respondent. (For more information, see Section 3.6.3.2 (“Required Disclosures”) of this Handbook).

- (9) The Hearing Panel or Hearing Officer will audio record the hearing, which recording shall be maintained as part of the record maintained for the particular Student Conduct Hearing.

3.6.5.7. Request for an Appeal From a Level One Hearing

The request for an appeal from a decision of a Level One Hearing Officer or Hearing Panel is either to the Associate Provost of Student Affairs or to the University Appeal Board (the “Level One Appeal Officer/Appeal Panel”). See Section 3.6.7 (“Appeals”) of this Handbook.

3.6.6. Level Two Hearings

3.6.6.1. Matters Heard at Level Two

Matters not heard as a Level One Hearing will be heard as a Level Two Hearing. Level Two Hearing Officers and Hearing Panels will make decisions regarding responsibility based on the information presented at the hearing. Hearing Officers will assess sanctions, if any, based upon that information, as well as prior student conduct violations for which the student was found responsible. Hearing Panels will make recommendations of sanctions, if any, to the assigned Student Affairs Administrator based upon the information presented at the hearing, as well as prior student conduct violations for which the student was found responsible. If a Hearing Officer or Hearing Panel believes probation, suspension or expulsion is appropriate, the Hearing Officer or Hearing Panel shall make their recommendation of sanctions to the Director of Student Integrity, who will assess the sanction(s) he or she deems appropriate.

3.6.6.2. Notice of Charges for Level Two Hearings

A student charged with a violation of the Standards of Student Conduct (the “Respondent”) that has not already been resolved by the Alternate Resolution Process will be sent a charge letter by the Director of Student Integrity or designee to the student’s Xavier email account.

(1) Content of Charge Letter for Level Two Hearings

Generally, a charge letter will inform the Respondent of the Standards of Student Conduct sections allegedly violated; reference the Student Handbook section that contains information about possible sanctions; direct the student to information about the Student Conduct Process; and provide notice that the student may accept responsibility for the alleged violation(s) of the Standards of Student Conduct and accept the sanctions for the alleged violation as determined by the Director of Student Integrity or designee writing the charge letter. Notification of the date and time of a hearing will also be included in the charge letter.

(2) Complainant Involvement in Level Two Hearings

Some violations of the Standards of Student Conduct that call for a Level Two Hearing personally adversely affect the person who made the complaint leading to a charge. Such a person is given the option to act as a Complainant within the student conduct process. The Director of Student Integrity or designee writing the charge letter may or may not review the charges with the Complainant for completeness and accuracy before sending the charge letter to the Respondent. This decision is within the sole discretion of the author of the charge letter.

3.6.6.3. Level Two Hearing Officers and Hearing Panels

Whether a particular matter will be heard by a Hearing Officer or Hearing Panel will be at the sole discretion of the Director of Student Integrity or designee. Level Two Hearing Officers will be Student Affairs Administrators selected from a pool of employees from the Student Affairs Division who have been appointed for this purpose. Level Two Hearing Panels will be selected from a pool of students who have been selected by the Office of Residence Life in consultation with the Director of Student Integrity to serve a one-year term. Students may be reappointed on an annual basis. Hearing Panels will consist of no less than four students, and will be assisted by a Student Affairs' Administrator who will be appointed from the pool of Level Two Hearing Officers. The assigned Student Affairs Administrator will not vote except in cases of a tie.

3.6.6.4. Identification, Collection, Dissemination and Representation of Information

In matters to be heard by a Level 2 Hearing Officer or Hearing Panel, the Hearing Officer or assigned Student Affairs Administrator advising the Hearing Panel is responsible for identifying, collecting, disseminating and presenting the evidence at the hearing. During Level 2 Hearing Panel hearings, the assigned Student Affairs Administrator will be present during the hearing, and will facilitate the deliberations, but shall not act as a witness nor offer an opinion on the issue of responsibility. The assigned Student Affairs Administrator may answer questions about the source of the materials presented and may provide information about policy interpretation and precedent.

3.6.6.5. Level Two Timing

- (1) A Level Two Hearing will be scheduled no sooner than three business days after the charge letter is sent to the Respondent. "Business day" means any day that is not a weekend, national holiday or University break period. The Respondent (and the Complainant, if any) will be notified in writing

of the date, time and location of the hearing at least 3 business days before the hearing is scheduled to begin. Each party will have until 24 hours before the scheduled time for the hearing to notify the Director of Student Integrity or designee, of a need to change the date or time of the hearing. Changes to date and time will only be granted for good cause, as determined in the sole discretion of the Director of Student Integrity or designee. The parties will be notified of any change to the date, time or location as soon as reasonably possible.

- (2) Usually, the Respondent (and Complainant, if any) will be given a list of all witnesses Xavier will call upon to testify at the hearing and copies of all documents to be presented to the Hearing Officer or Hearing Panel at least 48 hours before the hearing. FERPA-protected information may be redacted. The Respondent (and Complainant, if any) may provide all documents or other materials for the Hearing Officer or Hearing Panel's consideration up to the time of the start of the hearing. No information, documents or other materials may be presented for the Hearing Officer or Hearing Panel's consideration after the hearing. The Respondent (and Complainant, if any) must submit his or her list of witnesses at least 24 hours before the start of the hearing. The Director of Student Integrity or designee has the sole discretion to determine whether any irrelevant or cumulative witness testimony may be excluded.

3.6.6.6. Level Two Procedures

A Level Two Hearing will be conducted according to the following procedures:

- (1) The hearing will be closed to everyone except those persons specifically provided for in this process or persons whose presence at the hearing is authorized in advance by the Hearing Officer (in cases heard by a Hearing Officer) or the

assigned Student Affairs Administrator (in cases heard by a Hearing Panel). Advisors, as described in Sections 3.6.2.2(6) (“Rights of the Respondent”) and 3.6.2.3(4) (“Rights of the Complainant”) will only be allowed at the discretion of Hearing Officer or Student Affairs Administrator. If Advisors are allowed, they will be allowed for both the Complainant and Respondent.

There will be no representation by legal counsel in the hearing. See Section 1.3.5.3 (“Independent Legal Counsel”).

- (2) A scheduled hearing may proceed in the absence of a Respondent, a Complainant, or any other individual who fails to appear. An absence will not be considered grounds for an appeal.
- (3) At the beginning of the hearing, the Respondent and Complainant will each be advised of his or her rights.
- (4) At the conclusion of the hearing, the Hearing Officer or Hearing Panel shall confidentially consider all of the materials and information available at the hearing to formulate a decision on the issue of responsibility.
- (5) If a student is found to be responsible, the Hearing Officer or Hearing Panel will be provided with records reflecting any prior student conduct violations for which the Respondent was previously found responsible, which information may be considered by the Hearing Officer or Hearing Panel in determining a sanction.
- (6) If a Respondent is found responsible by a Hearing Officer, the Hearing Officer will assess the sanction(s). If a Respondent is found responsible by a Hearing Panel, the Hearing Panel will recommend sanctions to the Director of Student Integrity, the Director of Residence Life, or designee, who will assess the sanction(s). If a Respondent is found responsible by either a

Hearing Officer or Hearing Panel and the Hearing Officer or Hearing Panel believes that University Probation, suspension or expulsion is the appropriate sanction, the Hearing Officer or Hearing Panel will recommend the sanction to the Director of Student Integrity, who will assess the sanction(s).

- (7) Written notice of the outcome of the hearing, and information about requesting an appeal, will normally be provided to the Respondent within five business days of the hearing. A Complainant or other victim is only notified of the outcome of a hearing in matters involving a crime of violence (including, but not limited to, sexual assault or rape) or a non-forcible sex offense, which matters are not typically handled at the Level Two Hearing Level.

3.6.6.7. Request for an Appeal from a Level Two Hearing

Requests for an appeal from a decision of a Level Two Hearing Officer or Hearing Panel is to the Director of Residence Life or designee (for students who live in University-owned and operated housing) and to the Director of Student Integrity or designee (for students who live off campus). In matters where the Director of Student Integrity has accepted the recommendation of University probation, suspension or expulsion from the Level Two Hearing Officer or Hearing Panel, requests for an appeal of that decision shall be to the Associate Provost of Student Affairs or the University Appeal Board. See Section 3.6.7 (“Appeals”) of this Handbook.

3.6.6.8 Club Sports Council Conduct Review Board

The Club Sports Council is a governing body comprised of one student representing each sport club. In the event of unsportsmanlike conduct, behavior unbecoming of a sport club member, other incidents related to club sport policy infractions, the Club Sports Council is the Hearing Panel designated by the Director of Student Integrity to hear the case. Specific responsibility for the hearing is given to the Club Sports Conduct Review Board as advised by

the Assistant Director of Recreational Sports or designee.

(1) Club Sports Conduct Review Board (CSCRB)

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 CSCRB bringing the group to a total of eight.

(2) Responsibility of the CSCRB

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 may serve as the Level 2 Hearing Panel. The Assistant Director of Recreational Sports, or designee, facilitates the process. The Club Sports Conduct Review Board will make recommendations to the Director of Student Integrity regarding sanctions up to and including club sport probation, freezing budgets, suspension, or expulsion of an individual or team from the club sports participation. The CSCRB may also recommend to the Director of Student Integrity 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 Director of Student Integrity or designee.

Incidents that involve violations of the Code of Student Conduct will be heard according to the guidelines and procedures established in Sections 3.6.5 and 3.6.6. Whether a particular matter will be heard by a CSCRB or another Hearing Officer or Hearing Panel will be at the sole discretion of the Director of Student Integrity or designee.

(3) Advisor

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

(4) Hearing

The hearing will be conducted in accordance with the procedures outlined in Section 3.6.6.6.

3.6.7. Appeals

After a Level One or Level Two Hearing, the Respondent and the Complainant (if applicable) will each have five business days after notice of the outcome of the hearing is sent in which to request an appeal. Complainants are only permitted to request an appeal in matters involving allegations which, if proven, would constitute crimes of violence or non-forcible sex offenses. (For more information on the disclosure of information to Complainants in crimes of violence and non-forcible sex offenses, see Section 3.6.3.2 (“Required Disclosures”) of this Handbook. Requesting an appeal does not mean that an appeal will be heard. Requests for appeals will only be granted for specific reasons outlined below.

3.6.7.1. Requesting an Appeal

Requests for an appeal must be made in writing and directed to the individual or panel indicated under the Level One and Level Two Hearing descriptions above. See Section 3.6.5.7 (“Request for an Appeal From a Level One Hearing”) and Section 3.6.6.7 (“Request for an Appeal From a Level Two Hearing”). A request for an appeal must be received by the appropriate Appeal Officer (see Section 3.6.5.7 and 3.6.6.7.) and no later than 5:00 p.m. on the fifth business day after receipt of the outcome of the hearing.

3.6.7.2. Reasons for Requesting an Appeal

A request for an appeal will only be granted if the request provides sufficient factual basis for one of the following grounds for an appeal:

- (1) There is a denial of the elements of a fair hearing.
- (2) The finding is not supported by the evidence.
- (3) The sanctions imposed can be shown to be arbitrary or capricious, or the sanctions are disproportionate to the totality of the

circumstances.

- (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.

3.6.7.3. Review of a Request for an Appeal

The Level One or Level Two Appeal Officer or Panel (see Sections 3.6.5.7 (“Request for an Appeal From a Level One Hearing”) and 3.6.6.7 (“Request for an Appeal From a Level Two Hearing”)) will review the request for an appeal to determine if the request provides sufficient factual basis for one of the four grounds for an appeal. If the Appeal Officer or Appeal Panel finds that the request is insufficient, he or she will provide the requesting student with written notification that the request for an appeal is denied within 5 business days of the actual review. A copy of this notification will be sent to the non-appealing Respondent, and in charges involving allegations which if proven would constitute crimes of violence or non-forcible sex offenses, to the non-appealing Complainant or victim. (For more information regarding required disclosures to certain Complainants, see Section 3.6.3.2 (“Required Disclosures”) of this Handbook.) If the Appeal Officer or Appeal Panel determines that the request for appeal provides sufficient factual basis for at least one of the four grounds for appeal, the appeal request will be granted. The requesting student will receive notification within five business days that includes: (a) an explanation that granting the request for an appeal means 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 with which the student must comply; (c) a request for written statements if the Appeal Officer or Appeal Panel desires such statements; (d) at least a general timeline that includes due dates, if any, dates for meetings, if possible, and timelines for making a determination. The same notification will be sent to the non-appealing Respondent, and in charges involving allegations which, if proven, would constitute crimes of violence or

non-forcible sex offense, to the non-appealing Complainant or victim. (See Section 3.6.3.2 (“Required Disclosures”) of this Handbook.)

3.6.7.4. Appeal Officer or Appeal Panel

The Appeal Officer or Appeal Panel identified above will review the request for an appeal. If granted, that Appeal Officer or Panel may conduct the appeal. If heard by an Appeal Panel, the members of the Appeal Panel will be selected from the pool of individuals available to be selected as a Hearing Officer or Hearing Panel at the appropriate level. An Appeal Panel will generally include one faculty member, one administrator and one student. Any individual who was involved with the initial hearing is disqualified from hearing the appeal.

3.6.7.5. Conducting the Appeal If Granted

If the request for an appeal is granted, the Appeal Officer or Appeal Panel will consider the record of the matter to determine the appropriateness of the decision and sanctions rendered in the original hearing. The record is comprised of the materials used in the hearing, any transcript from the case hearing, and any recording of the hearing. The Appeal Officer or Appeal Panel will also consider the written request for an appeal, and any written statements it solicits from the Complainant and Respondent.

3.6.7.6. Appeal Meeting

Once a request for an appeal has been granted, the appeal is generally granted or denied based upon the written documentation available from the hearing and the information presented in the request for an appeal. However, in some instances, it may be necessary for a meeting to be conducted to clarify details presented. An appeal meeting is not a rehearing of the case. The appeal meeting, if warranted, will be conducted in accordance with the procedures outlined below:

- 1) The appeal meeting will be closed to everyone except those persons specifically invited by the

Appeal Officer or Panel.

- 2) There will be no presentation by legal counsel.
- 3) A student whose presence is requested at an appeal meeting has the right to be accompanied and assisted at the appeal meeting by a current member of the Xavier community (student, faculty or staff member). 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. The Advisor may not be the student's parent, even if the parent is a member of the Xavier community.

3.6.7.7. Written Statements

The Appeal Officer or Appeal Panel may request written statements from the Complainant and Respondent. The Appeal Officer or Appeal Panel may set a limit on the length of such statements and then they may use such statements as they deem fit. Unsolicited statements from the Complainant, Respondent, or anyone else will not be considered by the Appeal Officer or Appeal Panel if the statements are not part of the record of the hearing.

3.6.7.8. New Evidence

Only new information that was not available at the time of the original hearing will be accepted and considered by the Appeal Officer or Appeal Panel. Even if new information is accepted because it was not available at the time of the original hearing, the Appeal Officer or Appeal Panel may use this new information in considering the outcome of the appeal only if it is determined to be accurate and justified, in the judgment of the Appeal Officer or Appeal Panel.

3.6.7.9. Final Decision

An Appeal Officer's decision to grant or deny a request

for an appeal is a final decision. If a request for an appeal is granted, the decision of the Appeal Officer or Appeal Panel reviewing the appeal will also be a final decision.

Section 3.7. 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 Xavier's standard of student conduct will be addressed appropriately and a student found responsible for an alleged conduct violation will be sanctioned. Any sanction(s) imposed on a Respondent will be based on the facts and circumstances represented by the particular matter. Specifically, 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 violation, multiple sanctions may be imposed and depending on the nature of the violation, sanctions may range from educational or developmental to punitive. Because students are expected to learn from previous mistakes and poor choices, violations of policies and sanctions given in previous semesters will impact the sanctions imposed for future violations throughout their college career (this includes Xavier University Police Department citations and off-campus situations).

3.7.1. Descriptions of Typical Sanctions Imposed

Xavier may impose one or more sanctions upon a student who is found responsible for an alleged conduct violation. The sanctions that may be imposed include, but are not limited to the following:

3.7.1.1. Written Warning

A student found to be in violation of the Standards of Student Conduct may receive a written warning. A written warning is a written statement of warning which declares that the behavior is unacceptable within the Xavier community. Additional sanctions may be imposed if the unacceptable behavior continues after the student receives a written warning.

3.7.1.2. Parental Notification

In accordance with the Family Educational Rights to

Privacy Act (FERPA) of 1974, Xavier may notify the parents/legal guardian of any student under age 21 of any violation of a federal, state, or local law, or University policy regarding the use, or possession of alcohol or a controlled substance. Additionally, the University may choose to notify the parents/legal guardian of a dependent student if the student has violated the Standards of Student Conduct and is in jeopardy of being removed from University-owned housing. Any mention within this document to parental notification will be subject to the conditions set out in Section 3.6.3.3.

3.7.1.3. Educational Sanction

A student found to be in violation of the Standards of Student Conduct may receive an 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: (1) performing community service on and/or off-campus; (2) attending programs or workshops at the student's own expense; and, if applicable, (3) obtaining counseling, or writing a paper.

3.7.1.4. Limitations on Activities

A student's activities may be limited if the student is found to be in violation of the Standards of Student Conduct. While often coupled with Residence Life or University probation, this sanction may be imposed separately as well. Limitations on activities may include, but are not limited to: (1) ineligibility for serving as an officer or member of a University organization, committee, board, or council; (2) ineligibility to participate in any inter/intra-collegiate activity; (3) ineligibility to receive or maintain an award; or (4) exclusion from University events.

3.7.1.5. Fine

A student found to be in violation of the Standards of Student Conduct may be fined as a penalty for the

inappropriate behavior. A fine is a monetary sanction, which is intended to make the student consider his or her behavior and decision-making. Fines are not to be confused with restitution, because each sanction has its own unique meaning.

3.7.1.6. Restitution

A student found to be in violation of the Standards of Student Conduct may be required to make restitution (pay for losses or damages). Restitution is defined as an act of restoring or a condition of being restored. For example, if a student's conduct causes damage to Xavier or another student's property, then the student may be required to pay the cost of repair.

3.7.1.7. No Contact Order

Pending the investigation of an alleged Standards of Student Conduct violation, a student may sign an Acknowledgement and Request for No Contact form requesting that a No Contact Order be issued by the Xavier University Police Department, Residence Life, or the Director of Student Integrity. A No Contact Order may also be imposed as a sanction through the Student Conduct Process. Additionally, 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 Order with valid reason.

- (1) **Effectiveness.** The No Contact Order will remain in effect until one of the following has occurred: 1) a Student Conduct Process has been completed; 2) a mediation process involving all parties has been completed and it has been determined that the No Contact Order is no longer relevant; or 3) 60 calendar days have passed since the No Contact Order was issued. The No Contact Order may be reissued with cause.

3.7.1.8. Purpose of No Contact Order and Potential Violations

In order to adequately protect a student who requests a

No Contact Order, once a No Contact Order is implemented and during the time period in which a No Contact Order is in effect, the student against whom a No Contact Order has been issued is prohibited from all contact and forms of communication with the student(s) requesting the No Contact Order. Additionally, no friends or family members of the student against whom a No Contact Order has been issued shall contact the requesting student(s) on that student's behalf. In order for the No Contact Order to adequately serve its purpose, the student(s) requesting the No Contact Order should not attempt to contact the other as this undermines the purpose of the No Contact Order and may limit Xavier's ability to adequately protect the requesting individual and/or enforce the No Contact Order.

- (1) **Student Requesting the No Contact Order.** By signing the Acknowledgement and Request for No Contact form and implementing a No Contact Order, the requesting student voluntarily acknowledges that such order be put in place to serve as a protective mechanism and is likewise enforceable as such. It is important that the requesting student not communicate or attempt communication with a person against whom a No Contact Order has been issued. Such communication, or attempts at communication, can seriously undermine the purpose and affect for which a No Contact Order is originally implemented. Specifically, failure to cease contact with the student(s) against whom the No Contact Order has been issued will defeat the purpose for which the No Contact Order is intended to serve. If the requesting student contacts the person against whom the No Contact Order is issued, Xavier may no longer be able to adequately protect the requesting student.

- (2) **Student Against Whom the No Contact Order is Issued.** The student(s) against whom the No Contact Order is issued shall not, for any reason whatsoever, call, email, 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) who requested the No Contact Order. Any attempt to contact the other student(s) will violate the No Contact Order directive and will constitute a form of harassment as outlined in the Student Handbook and will not be tolerated. Additional charges for violations of the Standards of Student Conduct may be levied if the No Contact Order is violated.

3.7.1.9. 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. Probation is for a fixed period of time, which normally will not be less than one semester.

3.7.1.10. Removal From Xavier-Owned Housing

If the Residence Life Probation sanction is imposed and the unacceptable behavior continues, then the student may be removed from Xavier-owned housing. A student may also be removed from Xavier-owned housing without being on Residence Life Probation. Removal from Xavier-owned housing may be for a fixed period of time or on a permanent basis. A student who is removed from Xavier-owned housing is not permitted to enter or visit any Xavier-owned housing and will forfeit any prepaid housing fees.

3.7.1.11. Academic

Examples of academic sanctions include, but are not limited to, assigning the student a “zero” for a particular assignment or test or an “F” in a course. Academic sanctions are most frequently assessed in response to academic dishonesty according to Section 2.3.9.1. Academic sanctions may also be appropriate in response to certain violations of the Standards of

Student Conduct (e.g., disturbances or inappropriate behavior toward a Xavier employee or fellow students in an academic setting or environment). If a Hearing Officer or Hearing Panel recommends to the Director of Student Integrity academic sanctions for a violation of Xavier policy (other than academic dishonesty), the Director of Student Integrity may recommend academic sanctions to the student's college Academic Dean. Any academic sanctions will be assessed by academic administration.

3.7.1.12. University Probation

The sanction of University probation involves a formal notice to the student that the behavior in question is unacceptable within the Xavier community. Probation is for a fixed period of time, which normally will not be less than one semester. A student placed on probation faces the following consequences during the probationary period: (1) ineligibility for serving as an officer or leader of a University or student organization, committee, board, or council; and (2) the student is not considered to be in good standing with Xavier. Probation may be assigned (at the discretion of the hearing officer) in conjunction with the "Limitation on Activities" sanction which may further limit a student's involvement in University activities. If the unacceptable behavior continues, or if other inappropriate behavior follows, more severe action will be taken, including the possibility of suspension or expulsion.

3.7.1.13. Suspension

A student found to be in violation of the Standards of Student Conduct may be suspended. Written notification of this sanction will be provided to the student, and suspension may be imposed in addition to any other sanction that is judged to be of value to the student. Suspension from Xavier includes, but is not limited to, the following consequences: (1) a suspended student is excluded from participation in any academic or other Xavier activities for a specified period of time, which may be indefinite; (2) a suspended student must withdraw from all courses carried the semester of the

suspension, and will forfeit all fees according to Xavier's normal Withdrawal Policy; and (3) any student suspended from Xavier is prohibited from visiting Xavier's premises except when engaged in official conferences approved in writing by the Director of Student Integrity, or designee.

3.7.1.14. Students Returning After Suspension

Any student that has been suspended from Xavier, and who has completed the terms of his or her suspension and wishes to return to Xavier, may be required to have a satisfactory (in Xavier's sole discretion) final assessment by a professional of Xavier's choice before reactivation as directed by the Director of Student Integrity. The returning student must sign a release from the individual conducting the final assessment to allow the assessment to be shared with Xavier for this purpose. Any student who has completed the terms of suspension from Xavier and wishes to return to Xavier will meet with the Director of Student Integrity to discuss reintegration and be placed on University Probation for a specified period of time, which will be determined by the Director of Student Integrity (not less than one semester). Any student placed on Administrative Separation pending the Student Conduct Process may not return until after the conclusion of the Student Conduct Process.

3.7.1.15. Expulsion

Expulsion is the most serious University sanction and involves the permanent exclusion of the student from Xavier. Notification of the expulsion will be provided to the student. An expelled student must: (1) forfeit all rights and degrees not actually conferred at the time of the expulsion; (2) withdraw from all courses; and (3) forfeit all fees according to the Xavier's normal Withdrawal Policy. Any student expelled from Xavier is prohibited from visiting Xavier's premises except when engaged in official conferences approved in writing in advance by the Director of Student Integrity, or designee.

3.7.1.16. Other

Xavier reserves the right to impose any other sanction that has not been specifically defined as it deems appropriate.

3.7.2. Benchmark Sanctions

In addition to the typical sanctions that may be imposed, additional or more severe sanctions may be imposed if a student is found to have engaged in certain prohibited conduct. If a student is found “responsible” for certain types of violations, the following benchmark sanctions are a starting point for determining the appropriate sanction. Actual sanctions imposed are determined on a case-by-case basis and may be greater or lesser than the benchmark sanctions. These benchmark sanctions are intended to offer guidance to the individuals and panels imposing and recommending sanctions, and to alert students of the serious nature of certain violations. Although benchmarks are only provided for certain violations, sanctions may be imposed for violations which are not included in this list. Further, this list does not limit the forms of sanctions which may be assessed through the Student Conduct Process.

3.7.2.1. **Sex Discrimination (Including Sexual Harassment, Sexual Assault, Sexual Violence, Stalking, Rape, Other Sexual Misconduct, or Retaliation)**

- (1) *Rape*. The benchmark sanction for rape is expulsion.
- (2) *Sexual Assault*. The benchmark sanction for sexual assault is expulsion.
- (3) *Sexual Imposition*. The benchmark sanction for a student who is found responsible for sexual imposition is a one year suspension from classes and all activities, and removal from campus.
- (4) *Non-disclosure of known positive HIV status or STD*. The benchmark sanction for a student who is found responsible for failing to disclose a known

positive HIV status or STD is a one year suspension from classes and all activities, and removal from campus.

- (5) *Sexual Harassment*. The benchmark sanction for a student who is found responsible for sexual harassment is a one semester suspension from classes and all activities, and removal from campus.
- (6) *Public Indecency*. The benchmark sanction for a student who is found responsible for public indecency is a one semester suspension from classes and all activities, and removal from campus.
- (7) *Voyeurism*. The benchmark sanction for a student who is found responsible for voyeurism is a one semester suspension from classes and all activities, and removal from campus.
- (8) *Stalking*. The benchmark sanction for a student who is found responsible for stalking is a one semester suspension from classes and all activities, and removal from campus.
- (9) *Sexual Exploitation*. The benchmark sanction for a student who is found responsible for sexual exploitation is a one semester suspension from classes and all activities, and removal from campus.
- (10) *Other Sexual Misconduct*. The benchmark sanction for a student who is found responsible for other sexual misconduct is a one semester suspension from classes and all activities, and removal from campus.

3.7.3. Non-Compliance with University Sanctions

If a student fails to complete a sanction(s) then non-compliance fines or additional sanctions may be imposed.

Section 3.8. Additional Consequences for Violating the Standards of Student Conduct

3.8.1. Long-Term Consequences of Sanctions

A student's record of student conduct follows him/her throughout his or her college career. After graduation, educational institutions such as law and medical schools, as well as potential employers, may contact Xavier to verify any disciplinary history. This could determine or impact acceptance or hire. While the goal of the Student Conduct process is to contribute to student learning by responding to student behavior fairly and educationally, it is important that students remember that violating Xavier's Standards of Student Conduct, and being found responsible, may result in sanctions that could have long-term implications for the student.

3.8.2. Retention of Disciplinary Conduct Records

Generally, Student Conduct files are maintained electronically. Some hard-copy files may be maintained in addition to the electronic filing system and may be found in the office of the Director of Student Integrity or the office of Residence Life. Upon completion of the student conduct 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 years following his or her graduation date or date of continuous separation from Xavier University. At that time, the material may be destroyed except for those records verifying suspension or expulsion. Such records may be introduced and given due consideration in any subsequent student conduct investigation in which the student may be involved.

Section 3.9. Discretion Regarding the Handling of Student Conduct Cases

In certain situations it may become difficult, impractical, or impossible to handle a case according to the Student Conduct Process as outlined in this Handbook. In some cases adjustments may be necessary depending on the seriousness of the violation and/or the availability of persons involved or persons taking part in the process. The Director of Student Integrity or

designee has sole discretion to make such adjustments. For example, if circumstances arise, the Director of Student Integrity or designee has the discretion to determine the number of individuals who will serve on a Hearing Panel to hear a particular case. Convening such a panel is not limited to the following situations, but may often be necessary: (1) at the end of a semester or academic year when a case must be resolved due to the sensitive nature of the charges; (2) 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.

3.9.1. Timing of Student Conduct Process

Depending on the circumstance of each case, it may become difficult, impractical, or impossible to handle a case within the timeframe allocated, as set forth in this Handbook; as such, all timeframes may be altered at the sole discretion of the Director of Student Integrity.