



## 2019-2020 STUDENT HANDBOOK



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## 1. **INTRODUCTION**

Welcome to a new year at Notre Dame College! Notre Dame is a private, Catholic, liberal arts college that strives to maximize the potential of its students in a welcoming and safe environment. The College utilizes a process established by the Sisters of Notre Dame that promotes personal, professional, and global responsibility. A student enrolling in Notre Dame College assumes a responsibility to act in a manner compatible with the College's standards. An individual is considered a student of Notre Dame College at the time of acceptance to the institution.

Our community holds high expectations of how we live, act, and communicate with one another; for each of our actions has an effect on us collectively. We apply principles of Catholic social teaching to life in a diverse world by emphasizing wise decisions regarding health and well-being, and sharing talents and gifts in the spirit of friendship.

In order for our community to succeed, all members must actively contribute to an environment where everyone can feel safe, sustained, empowered and appreciated. We must also exhibit integrity in our actions and hold each other accountable as one community. Since you are freely affiliating with the College as a student, you are making a decision to read, know, and abide by the rules, regulations, and principles of the College community as outlined in the Student Code of Conduct and Sexual Misconduct Policy below. Behaviors that are incompatible with the College's standards are unacceptable and will not be tolerated. All students of Notre Dame College, whether on or off campus, are expected to abide by the policies set forth in the Code of Conduct.

## 2. **MISSION STATEMENT**

Notre Dame College, a Catholic institution in the tradition of the Sisters of Notre Dame, educates a diverse population in the liberal arts for personal, professional and global responsibility.

## 3. **THE STUDENT CODE OF CONDUCT**

Violations of this Code may be construed to include any active violation, attempted violation, solicitation, or coercion of another to commit a violation, or aiding another in a violation either face to face, electronically, or through a third party. Student conduct processes will be instituted when an individual or group of individuals may be responsible for violating any of the following:

- A. **Alcohol** – Alcohol is prohibited on College property and at College sponsored events (unless appropriate prior approval is received). Students are expected to comply with all federal, state, and local laws pertaining to alcohol, as well as the policy below. Violations of this policy include, but are not limited to:
  - i. Possession, consumption, sale, distribution, manufacturing, or being in the presence of alcohol.
  - ii. Possession, display, or being in the presence of alcohol paraphernalia.
  - iii. Sale or distribution of alcohol on campus unless approved by College administration.
  - iv. Public intoxication.
- B. **Animal Policy** – In order to ensure the safety and comfort of everyone on campus, animals are prohibited. The only exceptions to this policy are service animals, animals walked outside on leashes, and fish in the residence halls in one tank 15 gallons or less. Violations of this policy include, but are not limited to:
  - i. Having an animal on campus in any building, including the Residence Halls that does not fall under one of the above exceptions.
- C. **Attire** – Students must show modesty in dress. Violations of this policy include, but are not limited to:
  - i. Any nudity in public spaces on campus and/or at college sponsored events. Nudity is defined as the exposure of breasts, buttock, groin, or genitals.

- D. Courtesy & Quiet Hours – The residence halls have 24-hour courtesy hours where students are expected to be mindful of their noise level. Quiet hours in the residence halls are also enforced from 10:00 p.m. to 10:00 a.m. seven days a week. Toward the end of each semester, 24-hour quiet hours are enforced, so that students may prepare for finals. Any student may ask another student to lower their volume and it is expected that the student complies. Violations of this policy include, but are not limited to:
- i. Excessive noise that is disruptive to the community.
- E. Dishonesty – Dishonesty violations includes, but are not limited to:
- i. Knowingly giving false information to the College or any official acting in the performance of their duties.
  - ii. Falsifying documents, records, instruments of identification, or other forms.
- F. Disorderly Conduct – College community members are expected to conduct themselves in a manner that does not create disruptions or that does not involve unacceptable actions. Violations of this policy include, but are not limited to:
- i. Intentional or unintentional activity that disrupts the normal operations of the college.
  - ii. Intentional or unintentional activity that infringes on the rights of community members.
  - iii. Any behavior that jeopardizes the integrity of the College or any of its members.
  - iv. Excessive use of language to undermine someone’s dignity and security through insults or humiliation.
  - v. A person, thing, or circumstance causing inconvenience or annoyance.
- G. Drugs – Drugs are prohibited on College property and at College sponsored events. Students are expected to comply with all federal, state, and local laws pertaining to drugs, as well as the Drug policy below. Violations of this policy include, but are not limited to:
- i. Possession, consumption, sale, distribution, manufacturing, or being in the presence of illegal drugs.
  - ii. Possession, consumption, sale, or distribution, of prescription drugs that are not prescribed to you.
  - iii. Abuse or misuse of prescription or over the counter drugs, including, but not limited to, sharing or selling a prescription to unauthorized persons.
  - iv. Intentionally or recklessly inhaling or ingesting substances (e.g. nitrous oxide, glue, paint, etc.) that will alter a person’s state of mind.
  - v. Possession, use, or being in the presence of equipment, products, or materials, that are used, or are reasonably anticipated to be used for, consumption, distribution, sale or manufacturing of illegal drugs or prescription drugs that are not prescribed to you. Examples include, but are not limited to, bongos, pipes, rolling papers, scales and grinders.
- H. Failure to Comply – College community members are expected to cooperate with all College officials acting in performance of their duties at all times. Violations of this policy include, but are not limited to:
- i. Failure to follow the directions of College officials.
  - ii. Failure to respond to a request to see identification by staff.
- I. Fire Safety – Fire safety violations includes, but are not limited to:
- i. Failure to evacuate a building in an orderly fashion when a fire alarm has sounded.
  - ii. Intentionally or carelessly setting a fire of any nature.
  - iii. Pulling a fire alarm when there is no fire.
  - iv. Tampering with the protective hood on fire alarm pull stations, smoke detectors or sprinkler systems.
  - v. Misuse of fire extinguishers.
  - vi. Exiting through, or propping open, doors marked as an emergency exit.
  - vii. Setting off fire crackers or similar devices.
  - viii. Vandalizing exit signs.
  - ix. Tampering with, or rewiring of, electrical fixtures is prohibited.
  - x. Covering smoke detectors, sprinkler heads, or other fire safety devices.
  - xi. Using or possessing prohibited items in the residence halls.

1. Prohibited items include, but are not limited to, candles, incense, or like materials microwaves that are not provided by the College, extension cords or power strips without an on/off switch, coffee makers with a bottom heating unit (Keurig's are permitted), toaster ovens, hot plates or hot pots, electric skillet, woks and/or grills, oil popcorn makers, and space heaters.
  2. Using or possessing items that are not UL approved.
- J. Firearms, Weapons & Dangerous Objects – Firearms are defined as any gun, rifle, pistol, handgun or device designed to fire bullets, BBs, pellets, paint balls, or other projectiles, regardless of the propellant used. Weapons are defined as any device that is designed, used, or likely to be used, to cause bodily harm or property damage. Examples include, but are not limited to, knives with a blade longer than 2 ¼ inches, ammunition, slingshots, metal knuckles, and bows and arrows. Violations of this policy include, but are not limited to:
- i. Use, possession, or storage of firearms and other weapons, chemicals, explosive devices and/or materials.
  - ii. Use of firearms or other weapons, even if legally possessed, in a manner that harms, threatens, or causes fear to others.
  - iii. For information about the Concealed Carry policy, please see section 6H of this handbook.
- K. Guests in the Residence Halls – A guest is defined as someone who is not an occupant of a particular room including a non-NDC student, a student from a different room, or a non-resident student. Overnight guests 18 and over are permitted in all residence halls. All residents are responsible for their guests, and guests are expected to observe all College policies. Violations of this policy include, but are not limited to:
- i. Hosting a guest who stays more than 2 nights in a 7 day period.
  - ii. Staying more than 2 nights in a 7 day period in a residence not assigned to you.
- L. Harmful Behavior – Harmful behavior is prohibited. Students are expected to comply with all federal, state and local laws. Violations of this policy include, but are not limited to:
- i. Discrimination & Hate Speech – Any conduct and/or language that discriminates on the basis of race, ethnicity, sex, gender, sexual orientation, national origin, religion, creed, age, veteran status, physical or mental disability, genetic information, or any other form of discrimination.
  - ii. Hazing – Hazing activities are defined as any incident, whether performed intentionally or recklessly, that substantially risks mental, emotional, or physical discomfort; embarrassment; harassment; or ridicule to any person. The expressed or implied consent of the victim does not exempt those who violate this policy. Examples of this policy include, but are not limited to the following:
    1. Forced or required consumption of any food, liquor, beverage, drug, or other substance.
    2. Paddling in any form.
    3. Creation of excessive fatigue.
    4. Physical, emotional, or mental distress.
    5. Quests, treasure hunts, scavenger hunts, road trips or any such activities.
    6. Wearing apparel that is conspicuous, inappropriate, or distasteful.
    7. Engaging in public stunts.
    8. Morally degrading or humiliating games and activities.
    9. Failure to report any observed hazing incident, or improper activity believed to be in violation of the hazing policy.
    10. Any other activities that are not consistent with fraternal law, ritual, or policy; the regulations and policies of the College; or the laws of the State of Ohio.
  - iii. Harassment – Conduct or language of a non-physical nature that is severe or pervasive, including, but not limited to, intimidation, threats and coercion.
  - iv. Physical Harm – Physical harm, intent to physically harm, and/or other physical conduct, which is severe or pervasive.

- v. Stalking – Two or more incidents of unwanted behavior directed at a specific person that would cause a reasonable person to fear harm to their physical, mental or emotional health; safety; friends; family; or property.
- M. Identification Cards – ID cards can be obtained in the Notre Dame College police office. All students must carry their ID card at all times. Violations of this policy include, but are not limited to:
- i. Allowing another to use their Notre Dame College ID regardless of circumstance.
  - ii. Using another’s Notre Dame College ID regardless of circumstance.
- N. Keys – Keys are the property of Notre Dame College and are loaned to individuals in residence as well as other students who need to gain access to specific areas on campus, typically related to work study positions. Loss or failure to return a key issued to an individual will result in a replacement fee. Violations of this policy include, but are not limited to:
- i. Lending a key to another, or using another’s key, regardless of circumstance.
  - ii. Duplicating, or attempting to duplicate a key.
- O. Misuse of the Student Conduct Process – Non-compliance with or misuse of the student contact process, including but not limited to:
- i. Falsification, distortion, or misrepresentation of information before a student conduct body
  - ii. Disruption or interference with the orderly conduct of a student conduct proceeding
  - iii. Knowingly initiating a student conduct proceeding without cause; false reporting
  - iv. Discouraging an individual’s proper participation in, or use of, a college student conduct system
  - v. Attempting to influence the impartiality of, to intimidate, or to harass, participants in the student conduct process prior to, during and/or after the course of a student conduct proceeding
  - vi. Failure to comply with one or more sanctions imposed under the code of student conduct
  - vii. Soliciting, coercing, influencing and/or aiding another to violate college policy
  - viii. Any adverse action taken against a person participating in the NDC Student Conduct process. Retaliation against an individual for reporting an allegation, for supporting an alleged violator, or for assisting in providing information relevant to an allegation, is a violation of College policy.
- P. Posting – It is recognized that publicizing events on campus with flyers/signs is necessary to the event’s success. The College has designated areas in all buildings for this purpose, but the following guidelines must be followed. Failure to do so will result in a violation of the Student Code of Conduct.
- i. Location: Flyers/signs are only permitted in the designated space in each building.
  - ii. Content: All flyers/signs must clearly indicate the sponsoring organization/department, contact person, and contact person’s phone number or email address. No flyers/signs are allowed to advertise drink specials, events where the primary purpose is drinking, or other activities that appear to promote irresponsible or illegal activity.
  - iii. Approval: All flyers/signs must be approved by the Coordinator of Student Engagement & Leadership. All approved postings will be stamped and will include an expiration date. Any flyers/signs without stamped approval will be removed and discarded.
- Q. Recreational Transportation Equipment – The College prohibits the use of recreational transportation equipment (bicycles, skateboards, hover boards, skates, scooters, Segway’s, other equipment with wheels, etc.) in all buildings on campus. Individuals using these items outside of buildings are expected to do so in a manner which is appropriate, considerate of others, and considerate of college property. Violations of this policy include but are not limited to:
- i. Riding or using recreational transportation equipment in a College building.
  - ii. Using recreational transportation equipment without the consideration of others and/or College property.
  - iii. Bicycles are not permitted to be stored in any buildings but can be stored on the racks outside of the buildings.
  - iv. Items that need to be charged, and their power cords, must carry Underwriters’ Laboratory (UL) approval in order to be brought/stored in any building.

- R. Sexual Misconduct – The comprehensive sexual misconduct policy and procedure can be found in section 5 below.
- S. Smoking – Smoking is strictly prohibited on College property and at College sponsored events unless in designated smoking areas. Violations of this policy include, but are not limited to:
  - i. Smoking cigarettes, electronic cigarettes, hookahs (including hookah pens), smoking apparatuses, etc.
- T. Solicitation – Solicitation on campus is prohibited unless given consent from the Vice President of Finance and Administration in writing. Violations of this policy include, but are not limited to:
  - i. Petitioning or requesting goods or services from another.
  - ii. Promoting the sale or business of a non-recognized Notre Dame College group or organization.
  - iii. Failure to receive appropriate approval.
- U. Theft or Possession of Stolen Goods – Theft is defined as the attempt or actual taking of the property of another or the College. Violations of this policy include, but are not limited to:
  - i. Theft, attempted theft, or possession of stolen goods.
  - ii. The borrowing of personal or college items without permission.
  - iii. Possession of another’s belongings without the owner’s knowledge.
  - iv. The use of another’s items for re-sale or distribution.
- V. Unauthorized Entry – Unauthorized entry includes:
  - i. Breaking and/or entering into any unauthorized building or room on campus.
  - ii. Unauthorized use of a College key or access device.
- W. Unauthorized Use of Campus Name and/or Logos – The Notre Dame College name and logo are not to be used for any purpose without the consent of the Chief Communications Officer. Violations of this policy include, but are not limited to:
  - i. Failure to receive consent from the Chief Communications Officer to use the College name/logo.
- X. Vandalism – Vandalism is defined as deliberate destruction of, or damage to, public or private property. Violations of this policy include, but are not limited to:
  - i. Vandalizing property belonging to the College.
  - ii. Vandalizing property belonging to another member of the College community.
- Y. Violation of Law – Students are required to notify the Dean of Student Affairs of any arrest or conviction of crime other than minor motor vehicle infractions where no one was hurt. Notice should be given within five (5) days of the occurrence. Violations of this policy include, but are not limited to:
  - i. Failure to notify the Dean of Students about the above.

4. **THE HEARING PROCESS FOR STUDENT CODE OF CONDUCT VIOLATIONS**

Notre Dame College has the right and authority to investigate, hear, and adjudicate all alleged policy violations of this Handbook and impose sanctions accordingly.

- A. Role of Administrators in the Conduct System
  - i. The Director of Student Conduct, or designee, is responsible for the administration of the College conduct system and is empowered to adjudicate all alleged policy violations.
  - ii. The Assistant Dean for Student Care and Conflict Resolution, or designee, is available to meet with students to discuss Notre Dame College policy and procedure regarding student conduct.
- B. Individual Roles in Hearings
  - i. A hearing authority is the person/people hearing and adjudicating the case. This can be an individual hearing officer or a hearing board. They hear the case and determine responsibility and sanctions for all cases.
  - ii. In cases with a hearing board, these individuals are also involved and serve in the following roles:
    - 1. The Director of Student Conduct, or designee, will facilitate all the proceedings during a hearing. This individual will not be a participant in determining responsibility or sanctions.

2. The Assistant Dean for Student Care and Conflict Resolution, or designee, will help the student with clarification of questions and/or policies during the hearing. This individual will not be a participant in determining responsibility or sanctions.
- iii. Participation of advisors/advocates
    1. Students are entitled to an advisor/advocate of their choosing to guide and accompany them throughout the conduct process. The advisor/advocate may be the Assistant Dean for Student Care and Conflict Resolution or any member of the Notre Dame College community.
    2. At no time is a parent, guardian, relative, or legal representative permitted to be present during the student conduct process.
    3. The student is entitled to be accompanied by their advisor/advocate in all parts of the conduct process.
    4. Advisors/advocates are expected to advise ethically, with integrity, and in good faith.
    5. Advisors/advocates may not present on behalf of their party, at any point during the conduct process.
      - a. Advisors/advocates should request or wait for a break in the hearing if they wish to interact with campus officials.
      - b. Advisors/advocates may confer quietly with their advisee as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the student and advisors should ask for breaks to allow for private conversation.
    6. Advisors/advocates are expected to refrain from interference with the College conduct process. Any advisor/advocate who steps out of their role in any meeting or hearing will be warned once. If the advisor/advocate continues to disrupt or otherwise fails to respect the limits of the advisor/advocate role, they will be asked to leave.
      - a. If an advisor/advocate is removed from a meeting and/or hearing, that meeting and/or hearing will typically continue without the advisor present.
      - b. The Dean of Students, or designees, will determine whether the advisor/advocate may be reinstated, may be replaced by a different advisor/advocate, or whether the party will forfeit the right to an advisor/advocate for the remainder of the conduct process.
    7. Advisors/advocates are expected to maintain the privacy of the records shared with them by the College. These records may not be shared with 3<sup>rd</sup> parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor/advocate who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.
    8. The College expects an advisor/advocate to adjust their schedule to allow them to attend College meetings when scheduled. The College will not change scheduled meetings to accommodate an advisor's/advocate's inability to attend.
    9. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with campus officials.
- C. Reporting & Investigating Violations
    - i. Any person may report an alleged policy violation. All reports must be prepared in writing and submitted to the Director of Student Conduct.
    - ii. All alleged policy violations will be investigated to determine if the charges have merit.
    - iii. If it is determined that there is merit to the alleged policy violation, the Director of Student Conduct, or designee, will assign the case to a hearing authority to be heard.
    - iv. If College officials determine that the actions of a student are a threat to a member or members of the campus community, the College may immediately interim suspend the student. During an interim suspension, individuals may not be permitted to be on Notre Dame College property for any reason, and may not be permitted to attend any College sponsored events, activities, or classes. This will be determined on a case by case basis and the nature of the alleged violation(s)

will be considered. Students who are interim suspended are, however, permitted to continue to complete and submit coursework as long as it is submitted by the deadlines outlined in the course syllabus. Assignments that must be completed in class (such as attendance, labs, etc.) will not be able to be made up. Tests that are missed during an interim suspension must be made up within one week of the end of an interim suspension. Students under criminal investigation, or who have pending legal charges, may be suspended until the resolution of the criminal investigation or legal action.

D. Notification of Conduct Hearing

- i. The student will receive a summons letter via their NDC email account which details the alleged policy violation(s). This letter will include the date, time and location of the hearing.
- ii. It is the student's responsibility to check and read email. No exceptions will be made for failure to do so.
- iii. The initial hearing will generally be held no less than two, and no more than fifteen calendar days after the student has been notified. The scheduling of hearing times may be extended at the discretion of the Director of Student Conduct, or designee.
- iv. Prior to the hearing, students can elect to schedule a meeting with the Assistant Dean for Student Care and Conflict Resolution to receive clarification on the student conduct process and/or the alleged policy violations.
- v. If a student will be heard by a board, he/she will be notified of all members who will be serving on the board. A student may request a board member not be part of the hearing due to past or current experiences with that board member to avoid bias.

E. Conduct Hearing Procedures

- i. The student should arrive for their conduct hearing on the date and time, and to the location, specified in their summons letter.
- ii. At the start of the hearing, the hearing authority will introduce the case and share the alleged violations with the student being heard. The hearing authority will also answer any questions about the process that will take place during the hearing.
- iii. The hearing authority will ask about the incident, allowing the student to provide their account of the incident, and may also ask clarifying questions throughout.
- iv. If the student brings a witness to the hearing, the hearing authority will then question the witness. The student being heard will not be present during the questioning of witnesses.
- v. The student will then be asked if they accept or deny responsibility for each alleged policy violation.
- vi. Finally, the student will provide a closing statement if they choose.
- vii. A date and time will be set for a follow up meeting. The student is then dismissed from the hearing.
- viii. The hearing authority will then deliberate and determine if a student is responsible for the alleged policy violation and, if applicable, what sanctions shall be imposed.
- ix. In the case of an individual hearing officer, he/she will meet with the student for the scheduled follow up meeting. In the case of a hearing board, the Director of Student Conduct and Assistant Dean for Student Care and Conflict Resolution, or designees, will meet with the student for the scheduled follow up meeting. During the follow up, all findings of responsibility will be discussed, and, if applicable, sanctions will be delivered.

F. Reasonable Accommodations for Students with Documented Disabilities

- i. Any student with a documented disability involved in this process has the right to request reasonable accommodations in order to ensure their full and equal participation.
- ii. Students wishing to request reasonable accommodations should make a request directly to the Director of Student Conduct who will work with the office in which their specific academic accommodations are housed (Dwyer Learning Center or Academic Support Center).
- iii. Accommodations are determined on an individual basis.

- iv. Examples of reasonable accommodations include, but not are limited to, sign language interpretation, real-time communication access during hearings, large print documents, extended time to review documents, or assistance with transcribing questions during interviews or hearings.
- G. Additional Information about Conduct Hearings
- i. The rights of an accused student:
    - 1. A student has the right to be provided with written notice of the charge(s) made against them and the basis of the allegation that led to the charge(s).
    - 2. A student has the right to be assisted by an advisor (see section 4, B, iii for more information).
    - 3. A student has the right to reasonable accommodations (see section 4, F for more information).
    - 4. A student has the right to bring witnesses to the hearing to be questioned by the Hearing Officer/Conduct Board.
    - 5. A student has the right to appeal (see section 4, I for more information).
  - ii. Nothing in these paragraphs shall be interpreted to include the right to legal counsel.
  - iii. The student who allegedly violated a policy, and the advisor – if any – shall be allowed to attend all portions of the conduct process, excluding deliberations.
  - iv. Those present for the duration of the conduct hearing, including deliberations, include the hearing office/conduct board, Director of Student Conduct, and Assistant Dean for Student Care and Conflict Resolution, or designees.
  - v. Conduct hearings shall be conducted in private.
  - vi. In cases involving more than one student, the Director of Student Conduct, or designee, at his or her discretion, may permit the hearing concerning each student to be conducted either separately or jointly. Follow up meetings will be held individually.
  - vii. Pertinent records, exhibits, and written statements may be accepted for consideration at the discretion of the Hearing Authority. All documentation must be provided to the Hearing Authority at least 24 hours prior to the start of their hearing.
  - viii. The Hearing Authority’s determination shall be made on the basis of whether it is more likely than not (51%) that the student violated a policy in the Student Code of Conduct. Formal legal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in the College Conduct System.
  - ix. There shall be a record, such as written notes and/or a recording, of all hearings, and shall be part of the student record and the property of Notre Dame College.
  - x. If after receiving notice as described above, an accused student does not appear for a conduct hearing, it will be held in that student’s absence. The information regarding the alleged violations shall be presented to the hearing authority and considered.
  - xi. The hearing authority will make accommodations for the personal safety, well-being, and/or fears of confrontation of all parties involved.
  - xii. In the event that individuals or college offices need to know of a student’s sanctions, the Director of Student Conduct, or designee, may relinquish that information.
  - xiii. Notre Dame College students, organizations, and groups have the right to notice and an opportunity to be heard only as described above.
  - xiv. All records of student conduct policy violations shall be kept for seven years from the date of the most recent violation. Hearings resulting in suspension or expulsion from the College will be kept indefinitely.
  - xv. All students have access their personal student conduct records. Records may only be reviewed in the Dean of Students office and may not be duplicated or reproduced.
  - xvi. Officials have access to all conduct violation records when the Dean of Students is provided with appropriate documentation including subpoenas.

## H. Sanctioning

- i. The Hearing Officer/Conduct Board aims to educate students through sanctions, while encouraging positive behavior changes and protecting the living and learning environment of other students.
- ii. If a student is found responsible for violating a policy, the Hearing Officer/Conduct Board will determine and assign sanctions. Any prior violations and sanctions will be considered. Sanctions typically increase with additional and/or repeat violations.
- iii. The following is a list of sanctions that may be imposed if found responsible for a policy violation. To maximize student learning, more than one of the below sanctions may be imposed. Please note this list is not all inclusive.
  1. Residence Hall Suspension – separation from the residence halls for a designated period of time.
  2. Residence Hall Dismissal – permanent separation from the residence halls.
  3. Suspension from the College – separation from the College for a designated period of time.
  4. Dismissal from the College – permanent and complete separation from the College.
  5. Educational Opportunities – opportunities to educate students about specific policy violations. This includes, but is not limited to, online alcohol education courses, a first offenders program, putting on a program for peers, service and reflection papers.
  6. Loss of Privileges – denial of specified privileges for a designated period of time. This includes, but is not limited to, loss of visitation or the inability to attend specific events or activities on campus, etc.
  7. Counseling – a referral to the College Counseling Center or outside counselors.
  8. Restitution – compensation for loss, damage or injury.
  9. Parental Notification – Parents/guardians of a student may be notified of a policy violation.
- iv. The following is a list of sanctions for select policy violations. Please note that these are a starting point for sanctions and sanctions will vary depending on mitigating factors of an individual case.
  1. Alcohol
    - a. 1<sup>st</sup> Offense: online alcohol education course (and applicable fees)
    - b. 2<sup>nd</sup> Offense: substance abuse evaluation, Life Skills class (and applicable fees)
  2. Disorderly Conduct
    - a. 1<sup>st</sup> Offense: educational reflection
    - b. 2<sup>nd</sup> Offense: Life Skills class (and applicable fees)
  3. Drugs (marijuana)
    - a. 1<sup>st</sup> Offense: online marijuana 101 course (and applicable fees)
    - b. 2<sup>nd</sup> Offense: permanent residence hall suspension, substance abuse evaluation
  4. Drugs (other)
    - a. 1<sup>st</sup> Offense: residence hall suspension, outside drug counseling
    - b. 2<sup>nd</sup> Offense: suspension, Life Skills class (and applicable fees)
  5. Drugs (selling or distributing)
    - a. 1<sup>st</sup> Offense: suspension, educational reflection
  6. Harmful Behavior
    - a. 1<sup>st</sup> Offense: residence hall suspension, educational reflection
    - b. 2<sup>nd</sup> Offense: suspension, educational reflection
  7. Theft
    - a. 1<sup>st</sup> Offense: residence hall suspension, educational reflection
    - b. 2<sup>nd</sup> Offense: suspension, Life Skills class (and applicable fees)
  8. Weapons (knife, brass knuckles, etc.)
    - a. 1<sup>st</sup> Offense: confiscation of item, educational reflection

- b. 2<sup>nd</sup> Offense: permanent residence hall suspension, Life Skills class (and applicable fees)
    - 9. Weapons (gun, etc.)
      - a. 1<sup>st</sup> Offense: suspension, educational reflection
  - I. Appeal Process – A student found responsible for violating a policy may appeal the findings and conditions of sanctions imposed by following steps to request an appeal:
    - i. Electronically submit a letter to [studentconduct@ndc.edu](mailto:studentconduct@ndc.edu) within 72 hours of receipt of the outcome of the hearing.
    - ii. The letter must include the reason(s) for appeal, any supporting facts, and the recommended solution.
    - iii. Reasons for appeal include:
      - 1. A procedural error occurred that significantly impacted the outcome of the hearing.
      - 2. The sanctions imposed are extraordinarily disproportionate to the violation(s).
      - 3. New and significant information was discovered that could have affected the outcome of the hearing and was not known, or could not reasonably have been known, at the time of the hearing.
    - iv. If your appeal letter includes the above information, the letter will be reviewed by the College's appeal board who will either grant or deny the appeal by majority vote. If your appeal letter does not include the above information, the appeal will not be considered and the outcome of your hearing is final.
    - v. It is the sole responsibility of the student appealing to clearly exhibit in their letter that one of the three reasons for appeal has been met. Except as required to explain the basis of new information, or answer clarifying questions from the board, an appeal is limited to review of the appeal letter and supporting documents submitted by the student appealing.
    - vi. An appeal is not a rehearing of the case and cannot be submitted simply because the student disagrees with the outcome.
    - vii. The student will be notified in writing of the outcome of the appeal by the Dean of Students, or designee. This letter will be sent to your NDC email account.
    - viii. Review by an appeal board is final, and no other College official shall review the case.
    - ix. Members of the appeal board will never be members of the original hearing.

\*\*\*Sexual Misconduct Policy & Procedures begin on next page\*\*\*

## 5. SEXUAL MISCONDUCT POLICY & PROCEDURES

### A. Introduction

- i. Members of the College community, guests and visitors have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.
- ii. The College believes in zero tolerance for sex/gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy.
- iii. The College's sex/gender harassment, discrimination and misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom.
- iv. The College uses preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the College never assumes a responding party is in violation of College policy. Campus resolution proceedings are conducted to take into account the totality of all evidence available from all relevant sources.

### B. Title IX Coordinator

- i. The College's Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. The Coordinator reports directly to the Vice President of Academic and Student Affairs. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to violations of this policy may do so by reporting the concern to the College Title IX Coordinator: Tera Johnson, Office of the Dean of Students, 1<sup>st</sup> floor of the Clara Fritzsche Library Building, 216-373-5181, [tjohnson@ndc.edu](mailto:tjohnson@ndc.edu). If the absence of the Title IX Coordinator, all duties will be assumed by the Deputy Title IX Coordinator: Sami George, Office of the Dean of Students, 2<sup>nd</sup> Floor of the Clara Fritzsche Library Building, 216-373-5366, [sgeorge@ndc.edu](mailto:sgeorge@ndc.edu).
- ii. Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities: Office for Civil Rights (OCR), 233 N. Michigan Avenue, Suite 240, Chicago, IL 60601, Customer Service Hotline #: (800) 368-1019, Fax: (202) 619-3818, TDD#: (800) 537-7697, Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov), Web: <http://www.ed.gov/ocr>
- iii. In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the Deputy Title IX Coordinator, Sami George, 216-373-5366, [sgeorge@ndc.edu](mailto:sgeorge@ndc.edu).

### C. Expectations with respect to student and employee relationships.

- i. For purposes of this policy, an employee includes faculty, staff, and administrators, but not undergraduate student employees or graduate students. Examples of professional responsibility include teaching, academic advising, mentoring, coaching a sport, moderating a student club or organization, serving on an evaluation or awards committee, and supervising a student employee.
- ii. All employees are considered to have potential professional responsibility for undergraduate students. Thus, consensual romantic and/or sexual relationships, hereinafter referred to as "consensual relationships", between employees and undergraduate students are strictly prohibited.
- iii. Graduate Students
  1. With respect to graduate students having relationships with employees, consensual relationships are prohibited in cases where the employee has, or reasonably can expect to have, professional responsibility for that graduate student.

2. With respect to graduate students having relationships with undergraduate students, consensual relationships are prohibited in cases where the graduate student has, or reasonably can expect to have, professional responsibility for that undergraduate student.
  3. All consensual relationships between graduate students and employees/undergraduate students must be immediately reported to the Director of Human Resources. Failure to do so may result in discipline.
- iv. On occasion, an employee will have a dating, romantic, sexual or marital relationship with an individual who then becomes an undergraduate student, or an individual with a pre-existing relationship with an undergraduate student will become an employee.
    1. It is the obligation of the employee to disclose that relationship to the Director of Human Resources. It is the obligation of the Director of Human Resources, in consultation with appropriate academic or administrative personnel, to take the steps that he or she deem necessary to insure that the educational experience of the undergraduate student, and other students in the College, is not materially affected by the relationship. Since individual cases may vary, the Director of Human Resources has discretion to consider specific circumstances—the nature of the relationship, the specifics of the student’s academic program, the employee’s duties, and constraints on the College—in fashioning these steps. The steps can range from no action, to the recusal of the employee from matters involving the student, to changes in the employee’s duties.
    2. In the case of a pre-existing consensual relationship, employees are expected to remove themselves from positions of professional responsibility with respect to the student. Thus, the employee should resign from any committee interacting with the student, refrain from writing letters of reference or recommendation for the student, and avoid or remove themselves from any other position of professional responsibility with respect to the student. In cases where it is not feasible for the employee to remove themselves, or where such removal would be harmful to the student, the employee should submit a request for an exception from this paragraph to the Director of Human Resources.
  - v. The appearance of impropriety can also arise from excessive fraternization between employees and students, for example, when an employee regularly visits a local bar to drink with a student who is of legal age. The College reserves the right to discipline employees for such excessive fraternization, even if not part of a consensual relationship, as defined above. It is not the intent of this policy to prevent casual socializing between employees and students, but rather, to ensure that all employees exercise common sense in their dealings with students, both on campus and in the community at large.
  - vi. The College realizes that situations may arise where consensual relationships develop between consenting employees. Because of the potential for conflicts of interest, exploitation, favoritism and bias, the College prohibits this type of relationship between a supervisor and a subordinate. The individual in the position of greater authority bears the primary burden of accountability and must ensure that he/she does not exercise any supervisory or evaluative functions over the other person in the relationship. When a romantic or sexual relationship exists between a supervisor and a subordinate, the College reserves the right to take appropriate action, in its discretion, to protect the interests of the College, which may include transfer, alternative supervisory or evaluative arrangements, or dismissal of both parties.
  - vii. Violation of this Policy by an employee is considered a breach of professional ethics and may result in disciplinary action, up to and including termination of employment.
- D. Applicable Definitions
- i. Reporting party – The person alleging a violation of the sexual misconduct policy.
  - ii. Responding party – The person who is alleged to have violated the sexual misconduct policy.

- iii. Witness – A person who is requested to participate in an investigation because they may have information about alleged violations of the sexual misconduct policy.
- iv. Consent – Consent is defined as clear, knowing, and voluntary words or actions, which give permission for specific sexual activity.
  - 1. Consent is active, not passive.
  - 2. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in, and the conditions of, sexual activity.
  - 3. Silence, in and of itself, cannot be interpreted as consent.
  - 4. Consent to any one form of sexual activity does not imply consent to any other forms of sexual activity.
  - 5. Previous relationships or prior consent does not imply consent to future sexual acts.
  - 6. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
  - 7. In order to give consent, one must be of legal age. In the state of Ohio, that age is 16.
- v. Incapacitation – Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).
  - 1. Incapacitation can occur mentally or physically, from developmental disability, or by alcohol or other drug use.
  - 2. Examples of causes of incapacitation include, but are not limited to, mental disability, sleep, unconsciousness, involuntary physical restraint, consuming alcohol or other drugs, or from the taking of rape drugs.
  - 3. Sexual activity with someone you know to be, or should know to be, incapacitated constitutes a violation of this policy.
- vi. Force – Force is defined as the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance, or that produces consent.
- vii. Coercion – Coercion is defined as unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

#### E. Sexual Misconduct Offenses

- i. Sexual Harassment is unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct. Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.
  - 1. Quid Pro Quo Harassment is:
    - a. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
    - b. By a person having power or authority over another constitutes sexual harassment when,
    - c. Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s educational [or employment] progress, development, or performance.
    - d. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.
    - e. Examples include, but are not limited to: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

2. A hostile environment is created when sexual harassment is:
  - a. Sufficiently severe, or
  - b. Persistent or pervasive, and
  - c. Objectively offensive that it
  - d. Unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational, employment, social and/or residential program.
3. Examples of sexual harassment include, but are not limited to:
  - a. A professor insisting that a student has sex with him/her in exchange for a good grade regardless of whether the student agrees to the request.
  - b. A student repeatedly sending sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
  - c. Explicit sexual pictures displayed in a professor's office, on the exterior of a residence hall door, or in other public spaces.
  - d. A professor engages students in a class in discussions about their past sexual experiences, yet the conversation is not in any way relevant to the subject matter of the class, and probes for explicit details, and demands that students answer, though they are clearly uncomfortable and hesitant.
  - e. An "ex" widely spreads false stories about his/her sex life with his/her former partner to the clear discomfort of the partner, turning the partner into a social outsider on campus.
  - f. Students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.
- ii. Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a person upon another person, which is without consent and/or by force.
  1. Sexual contact includes, but is not limited to, intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.
- iii. Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, by a person upon another person, which is without consent and/or by force.
  1. Intercourse includes, but is not limited to, vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.
- iv. Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.
  1. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy; prostituting another person; non-consensual digital, video or audio recording of nudity or sexual activity; unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity; engaging in voyeurism; going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex); knowingly exposing someone to or transmitting an STI, STD or HIV to another person; intentionally or recklessly exposing one's genitals in non-consensual

circumstances; inducing another to expose their genitals; sexually-based stalking and/or bullying may also be forms of sexual exploitation

- v. Relationship Violence is violence committed by a person who is, or has been in, a relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
    - 1. Relationship violence can be physical, sexual, emotional, economic, or psychological actions, or threats of actions, that influence another person.
    - 2. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
  - vi. Stalking is a pattern of two or more incidents of unwanted attention, harassment, contact, or other misconduct directed at a specific person based on sex or sexual orientation that would cause reasonable persons to fear harm to their physical health, mental or emotional health, safety, friends, family or property. Stalking may take many forms, including, but not limited to, persistent calling, texting, instant messaging, posting on a social networking site, monitoring behavior, and taking pictures as well as physical stalking. When the content of the messages or the nature of the physical stalking is of a sexual nature, sexual misconduct has occurred.
  - vii. Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for an allegation, for supporting a reporting party, or for assisting in providing information relevant to an allegation, is a violation of College policy.
- F. Reporting violations of the Sexual Misconduct Policy – The College strongly encourages any person who has experienced sexual misconduct to report what occurred for their own protection and that of the entire College community. Reports of sexual misconduct can be made in person, by phone, via email, or in writing, and will be accepted at any time, regardless of when the incident occurred.
- i. All members of the College community can report alleged violations of the sexual misconduct policy, including students, faculty, staff, guests, visitors, etc. to:
    - 1. Tera Johnson, Title IX Coordinator, 216-373-5181, [tjohnson@ndc.edu](mailto:tjohnson@ndc.edu), office located on the 1<sup>st</sup> floor of the Clara Fritzsche Library Building.
    - 2. Sami George, Deputy Title IX Coordinator, 216-373-5366, [sgeorge@ndc.edu](mailto:sgeorge@ndc.edu), office located on the 2<sup>nd</sup> floor of the Clara Fritzsche Library Building.
  - ii. Anyone can also report alleged violations of sexual misconduct to the police.
    - 1. Notre Dame College Police, 216-373-5212, office located on the ground floor of the Administration Building
    - 2. South Euclid Police, 216-381-1234, located at 1349 South Green Road, South Euclid, OH.
  - iii. Confidential Reporting & Resources – those wishing to make a confidential report of alleged violations of sexual misconduct can report to the following:
    - 1. NDC Counseling Center, 216-373-6459, office located in the Connelly Center.
    - 2. NDC Campus Ministry
      - a. Staff
        - i. Ted Steiner – 216-373-5387
        - ii. Anita Hooley Yoder – 216-373-6375
      - b. Priests
        - iii. Fr. John Blazek – 216-570-9276 (cell)
        - iv. Fr. Anslem Zupka, 330-605-4842 (cell)
        - v. Fr. Edward Mehok, 216-382-5872 (home)
  - 3. Cleveland Rape Crisis Center
    - a. Call or text the CRCC 24-Hour Crisis and Support Hotline at (216) 619-6192 or (440) 423-2020.
    - b. [Request an appointment](#) online.

- c. [Chat online](#) to learn more about counseling and/or advocacy available to you on campus or at the main office downtown.
- G. Once a Report is Received
  - i. When the Title IX Coordinator or Deputy Title IX Coordinator receives a report of an alleged violation of the sexual misconduct policy, an initial assessment will be done to consider the nature of the report and the safety of the campus community. The reporting party will receive information about the resolution process options, information about their rights as a reporting party, and support resources.
  - ii. At the conclusion of the initial assessment, interim measures may be put in place. These include, but are not limited to:
    - 1. Referral to the counseling center, health center, or local support services
    - 2. Education to the community
    - 3. Altering a housing situation
    - 4. Providing campus escorts through the College Police Department
    - 5. Implementing a no-contact order between the parties
    - 6. Altering work or work-study arrangements
    - 7. Offering adjustments to academic deadlines, course schedules, etc.
    - 8. Interim suspension
  - iii. The report will then be referred for resolution.
- H. Sexual Misconduct Resolution Processes
  - i. The Title IX Coordinator or Deputy Coordinator will appoint two investigators to conduct an investigation. The College has trained Title IX investigators designated to formally investigate reports of alleged violations of the sexual misconduct policy.
  - ii. The investigators will take the following steps:
    - 1. Gather information, typically via interview, from the reporting party, responding party, and any witnesses who may have information relevant to the initial report.
      - a. Both the reporting and responding party will have the opportunity to provide a list of witnesses they wish the interviewers to speak with.
      - b. All interviews will be recorded and, upon conclusion, summarized in writing. When possible, the summary will be sent to the individual who was interviewed for review via email. The individual can accept the written summary of the interview or can add to/edit the written summary of their interview. If there are discrepancies between the interview summary and what the individual wants to add/edit, the recording will be reviewed.
      - c. Once an individual accepts the summary of their interview, the electronic recording will be destroyed. The written summary will be what is used in the investigators' report.
      - d. Additional information, including photographs, electronic evidence and/or forensic evidence will also be gathered through this process.
      - e. Investigators may need to conduct multiple interview in order to follow up or clarify information gathered through other interviews.
    - 2. Based on the interviews and review of additional information (if provided), a formal charge letter will be issued to the responding party outlining the specific alleged policy violations.
    - 3. At the conclusion of the investigation, the investigators will write a preliminary report which will include the following:
      - a. The names of the investigators and their contact information.
      - b. Alleged policy violations.
      - c. A list of involved parties.
      - d. A brief overview of the case.
      - e. The steps in which the investigators took to gather information.

- f. Summaries of all interviews.
- g. Any additional information or materials collected.
- h. The report will be made available to both the reporting and responding party for review.
  - i. Both parties have the opportunity to respond to information in the report as well as provide the investigators questions they would like asked of other parties.
  - ii. The investigators will follow up, as appropriate, on any responses and/or questions based on the preliminary report.
- 4. Any updates or changes will be made to the preliminary report and then the final report will be submitted to the sexual misconduct hearing board.
- iii. Once a hearing board has the report, they will take the following steps:
  - 1. The board will review all parts of the report.
  - 2. The board may question the investigators as necessary.
  - 3. The board will use the preponderance of evidence standard to make a determination of responsibility on all alleged violations.
  - 4. Both the reporting and responding parties will have the option to provide an impact statement to the board. This can be done in writing, face to face, or via electronic means such as Skype, and will be provided to the board after responsibility is determined, but before sanctions are determined.
  - 5. If there is a finding of responsibility, the board will impose sanctions.
  - 6. The Title IX Coordinator or Deputy Title IX Coordinator will present the findings in writing to both the reporting and responding parties.
    - i. The written notification will include the following: the finding, sanctions if applicable, rationale for the decision, and information about the College's appeal process.
  - iv. If either party wishes to appeal, they will follow the process outlined in the Student Code of Conduct (section 4, I).
- I. At any point during the investigation, if it is determined there is no reasonable cause to believe that College policy has been violated, the Title IX Coordinator or Deputy Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.
- J. The College's resolution will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. However, the College may undertake a short delay (several days to weeks) in its investigation or resolution process, to comply with a law enforcement request for cooperation (e.g.: to allow for criminal evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The College will promptly resume its investigation and processes once notified by law enforcement that the initial evidence collection process is complete.
- K. Sanctions – The following sanctions may be imposed upon students of the College community found to have violated this sexual misconduct policy.
  - i. Student Sanctions include, but are not limited to education, residence hall suspension, suspension from the College, expulsion, or other sanctions as appropriate.
    - 1. Any student found responsible for violating the Sexual Exploitation or Sexual Harassment policies will likely receive a recommended sanction ranging from education to expulsion, depending on the severity of the incident, and taking in to account any previous disciplinary actions.
    - 2. Any student found responsible for violating the Non-Consensual Sexual Contact policy (where no intercourse has occurred) will likely receive a sanction ranging from residence hall suspension to expulsion, depending on the severity of the incident, and taking in to account any previous disciplinary actions.

3. Any student found responsible for violating the Non-Consensual Sexual Intercourse policy will likely face a recommended sanction of suspension or expulsion.
  - ii. The decision-making body reserves the right to stray from the range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.
- L. Participation of advisors/advocates in the resolution process
- i. All parties are entitled to an advisor/advocate of their choosing to guide and accompany them throughout the resolution process. The advisor/advocate may be any member of the Notre Dame College community, friend, mentor, family member, attorney or any other supporter a party chooses who is both eligible and available.
  - ii. People who will be called as witnesses may not serve as advisors/advocates.
  - iii. The parties are entitled to be accompanied by their advisor/advocate in all meetings and interviews at which the party is entitled to be present
  - iv. Advisors/advocates should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity, and in good faith.
  - v. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor/advocate who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.
  - vi. All advisors/advocates are subject to the same campus rules, whether they are attorneys or not.
  - vii. Advisors/advocates may not present on behalf of their party at any point during the process.
    1. Advisors/advocates should request or wait for a break in the proceedings if they wish to interact with campus officials.
    2. Advisors/advocates may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks to allow for private conversation.
  - viii. Advisors/advocates are expected to refrain from interference with the College investigation and resolution. Any advisor/advocate who steps out of their role in any meeting under the resolution process will be warned once. If the advisor/advocate continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor/advocate will be asked to leave.
    1. When an advisor/advocate is removed from a meeting, that meeting will typically continue without the advisor/advocate present.
    2. The Title IX Coordinator, Deputy Title IX Coordinator, or hearing facilitator will determine whether the advisor/advocate may be reinstated, may be replaced by a different advisor/advocate, or whether the party will forfeit the right to an advisor/advocate for the remainder of the process.
  - ix. Advisors/advocates are expected to maintain the privacy of the records shared with them by the College. These records may not be shared with 3<sup>rd</sup> parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor/advocate who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations.
  - x. The College expects an advisor/advocate to adjust their schedule to allow them to attend College meetings when scheduled. The College does not typically change scheduled meetings to accommodate an advisor's/advocate's inability to attend. The College will, however make provisions to allow an advisor/advocate who cannot attend in person to attend a meeting by telephone.
  - xi. The parties must advise the investigators of the identity of their advisor/advocate at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors/advocates at any time.

- xii. No audio or video recording of any kind, other than as required by institutional procedure, is permitted during meetings with campus officials.
- M. Rights of both the reporting and responding parties
- i. The right to have all alleged violations treated with seriousness, dignity, and confidentiality.
  - ii. The right to preservation of confidentiality, to the extent possible and allowed by law.
  - iii. The right to a prompt and equitable resolution to the complaint.
  - iv. The right not to have any complaint of sexual violence mediated.
  - v. The right to be informed of College and community resources, including, but not limited to, College Police, the College Counseling Center, local police, and the Cleveland Rape Crisis Center.
  - vi. The right to bring an advocate/advisor to all phases of the process.
  - vii. The right to interim measures as described above in section 5, G.
  - viii. The right to have the case investigated and heard by individuals who have received, at minimum, annual sexual misconduct training.
  - ix. The right to receive regular updates regarding the investigation including the timeline of investigation and any changes that may be made to it.
  - x. The right to review all documentary evidence available regarding the complaint.
  - xi. The right to recommend witnesses during the investigation.
  - xii. The right not to have irrelevant sexual history discussed.
  - xiii. The right to make an impact statement and to have it considered by the hearing board when determining sanctions.
  - xiv. The right to be informed of the outcome and sanction(s) of the process within a timely manner.
  - xv. The right to appeal in accordance with the standards for appeal as outlined in section 4, I.
- N. Additional Information
- i. The College aims to bring all allegations to a resolution within a reasonable time frame.
  - ii. Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.
  - iii. This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.
  - iv. Witnesses are expected to cooperate with and participate in the College's investigation.
    - 1. Any witness who declines to participate in, or cooperate with, an investigation at the scheduled interview time will not be permitted to provide information later.
    - 2. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone if they cannot be interviewed in person.
  - v. Any other College policies may fall within this section when a violation is motivated by the actual, or perceived, membership of the reporting party's sex or gender.
  - vi. The College will not tolerate intentional false reporting of incidents. It is a violation of College Policy to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.
  - vii. If there is a Code of Conduct (section 3) violation(s) associated with an alleged violation of this Sexual Misconduct policy, all violations will follow the Sexual Misconduct resolution process.
  - viii. Amnesty for Victims and Witnesses
    - 1. The College community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as the alcohol or drug policies, at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.
    - 2. Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, as student who has been drinking might hesitate to

help take a sexual misconduct victim to the Campus Police). The College pursues a policy of amnesty for students who offer help to others in need.

3. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.
- ix. Training of personnel tasked with implementing these procedures (the Title IX Coordinator, Deputy Title IX Coordinator, investigators, hearing officers, appellate officers, etc.) will be trained at least annually. This training will include, but is not limited to: how to appropriately remedy, investigate, render findings and determine appropriate sanctions in reference to sexual misconduct allegations; the College's Sexual Misconduct Policy and Procedures; confidentiality and privacy; and applicable laws, regulations and federal regulatory guidance.
- x. All records will be kept indefinitely.
- xi. Campus Resources (all are confidential reporting options, too)
  1. NDC Counseling Center, 216-373-6459, office located in the Connelly Center.
  2. NDC Priests
    - a. Fr. John Blazek – 216-570-9276 (cell)
    - b. Fr. Anslem Zupka, 330-605-4842 (cell)
    - c. Fr. Edward Mehok, 216-382-5872 (home)
- xii. Local Resources
  1. Cleveland Rape Crisis Center: 216-619-6192 (24/7)
  2. Domestic Violence & Child Advocacy Center: 216-391-4357 (24/7)
  3. Hillcrest Hospital SANE Unit: 440-312-3138
  4. University Hospitals SANE Unit: 216-844-3722
- xiii. National Resources
  1. Rape, Abuse, Incest National Network (RAINN): 800-656-4673
  2. National Domestic Violence Hotline: 800-799-7233

## 6. CAMPUS RESOURCES & INFORMATION

- A. Clubs & Organization – A wide variety of clubs and organizations thrive on campus including Art Club, Math Educators Club, Scholars of Color, Student Nurses Association, Creative Writing Club, Falcon Activity Board, and Student Athletic Advisory Council. If you want to join an existing club, or create a new one, contact the Director of Student Engagement & Leadership, Katie Hartman, at 216-373-5263 or [khartman@ndc.edu](mailto:khartman@ndc.edu).
- B. Motor Vehicles – Operators of motor vehicles are expected to follow and adhere to the laws governing the operation of a motor vehicle. All operators of motor vehicles on College grounds shall have a valid driver's license and valid insurance for the vehicle they are operating. Violations or disobedience of any vehicle law, ordinance or college policy may result in a traffic citation or parking ticket, which will include a fine and/or loss of privileges to operate a vehicle on campus property. Notre Dame College Police, at their sole discretion, may issue a general traffic citation that will be adjudicated by the Notre Dame College Police Department (College) or may be forwarded to South Euclid Municipal Court.
- C. Parking - Parking is provided to all students, faculty, staff, and visitors free of charge.
  - i. Persons may park in any legal spot on campus, provided it is not designated as Handicapped, Admissions, or otherwise reserved with the appropriate signage or painted markings.
  - ii. It is asked that resident students park only in the parking lots directly contiguous to the residence halls to ensure commuter students, faculty, staff, and visitors can park near other College buildings.
  - iii. Parking in lot A and lot C from the hours of 12:00am (midnight) to 6:00am is prohibited.
- D. Residence Life Policies
  - i. Housing Agreements & Room Assignments – All resident students are required to complete a housing agreement each year. No housing placements will be made until a housing agreement is completed.
    - 1. Room Assignments for Incoming Students
      - A. All housing agreements received by June 1 of the year in which housing is requested will receive priority housing.
      - B. Students submitting housing agreements after the priority deadline will be assigned to an available room and residence hall.
      - C. Housing agreements received after August 10 of the year in which housing is requested are not guaranteed housing.
    - 2. Room Assignments for Returning Students
      - A. Room selection for returning students takes place in the middle of the spring semester for the following academic year (end of March/early April).
      - B. Returning students must submit a Housing Agreement prior to being able to select a room. Housing Agreements can be found on My.NDC.
      - C. Returning students must be registered as a full time student for the upcoming fall semester prior to being assigned a room.
  - ii. Meal Plans – First time freshmen are required to have a full meal plan (19 meals per week). Returning and transfer students may choose from the full meal plan or partial meal plan (14 meals per week).
  - iii. Residency Requirement – students are required to live on campus for the first two years. Transfer students will be evaluated on a case by case basis.
  - iv. Room Entry & Search – The College respects residents' expectations of privacy within their residence hall room, however, there are certain situations that may require residence hall room entry by College Personnel.
    - 1. Who May Enter a Residence Hall Room – College personnel that may enter a residence hall room during the year include the following:
      - a. Members of the Residence Life staff, including Resident Assistants
      - b. Maintenance staff
      - c. Housekeeping staff

- d. College police
  - e. Emergency personnel including, but not limited to, non-NDC police, fire, and EMT.
2. Reasons College Personnel May Enter a Residence Hall Room:
    - a. Entry Without Advance Notification (If at all possible, advance notice will be provided.)
      - i. To perform maintenance work.
      - ii. To address possible College policy violations.
      - iii. To ensure all students are safe in emergency situations.
      - iv. To inspect for vacancies or see if rooms are prepared for incoming students/room switches.
    - b. Entry With Advance Notification
      - i. To inspect for health (cleanliness) and safety.
  3. Procedure for Residence Hall Room Entry:
    - a. Entry Without Notification: If College personnel need to enter a room, they will knock on the door and announce themselves. If the door is not answered after the first attempt, they will make a second attempt. If the door is still not answered, they will key in using a master key and proceed with the purpose of their entry.
    - b. Entry With Notification: Residence Life will convey information to students via email and signage throughout the halls that room entry will be occurring. During the stated period, Resident Assistants will go in pairs, knock, announce their presence and wait. If the door is not answered after the first attempt, they will make a second attempt. If the door is still not answered, they will key in using a master key. Resident Assistants will state, "Residence Life, keying in." They will enter the room and perform the check. Each door that a Resident Assistant passes through (ex: individual doors within suites in South Hall), they will repeat the same process.
  4. What is Checked: The Residence Life staff will check that maintenance is able to get to items around the room, half vacant rooms are cleared for potential roommates, and that excessive cleaning is not needed (ex: garbage on the floor, overflowing, etc. or bathroom needs cleaning, etc.) Resident Assistants will also check for potential policy violations in the room. They will not search anything in the room but will do a visual scan of the room. If any policy violations are discovered in plain sight, a room search may ensue.
  5. When Checks Occur: Health and Safety checks are performed several times throughout the year and will typically occur during the following times: Census Week (the first or second week of each semester), Fall break, Thanksgiving break, Winter break, Spring break.
  6. Next Steps: If a room needs to be cleaned or a policy violation occurs, the Residence Life staff members will leave documentation in that room stating the issue. If it is a cleanliness or safety issue, Residence Life will follow up with the students assigned to that space. If it is a policy violation, documentation will be sent to Student Conduct.
- E. Student Concerns and Complaints – The College encourages the resolution of questions, concerns, and complaints in a fair manner. This document establishes a policy and procedure for students to request assistance and/or resolution of questions, concerns, and complaints. Concerns and complaints may be resolved through normal college channels or with the assistance of the Assistant Dean for Student Care and Conflict Resolution, or designee.
- i. Policy Definitions

1. For the purpose of this definition, a “concern” is a worry or expression of dissatisfaction regarding a department, service, process, student, College employee, or a College administrative action, that does not require clarification, follow-up, or resolution.
  2. For the purpose of this definition a “complaint” is an expression of dissatisfaction regarding a department, service, process, student, College employee, or a College administrative action, that requires clarification, follow-up, investigation, and/or resolution.
- ii. Concern Policy and Procedure
    1. Step 1 – Share with the student the name of the supervisor who oversees the area in which their concern exists; affording the student an opportunity to address the concern through normal college channels.
    2. Step 2 – Document and share the documentation with the supervisor who oversees the area in which the concern exists.
  - iii. Complaint Policy and Procedure
    1. Step 1 – Informal resolution within the college: Students should attempt to resolve their complaint through the normal channels by contacting the person responsible for the specific area where the complaint exists.
    2. Step 2 – If no resolution is reached in Step 1, the student may request assistance in the form of informal mediation from the Assistant Dean for Student Care and Conflict Resolution or may request to move into formal resolution (Step 3).
    3. Step 3 – Formal resolution: Formal documentation of the complaint and steps taken to date is presented to the senior staff member responsible for supervision of the area where the complaint exists. Decisions made by senior staff members are documented and returned to the Assistant Dean for Student Care and Conflict Resolution to be shared with the student. If the senior staff member has had significant involvement already, or has been named in the complaint, a group of three staff members will be assembled to respond to the complaint. This group will be selected by the President, will have limited previous involvement in the complaint, and will not report to anyone named in the complaint. Decisions made at the end of Step 3 are final.
- F. Self-Defense Policy
- i. Violence in any form is inconsistent with the values of Notre Dame College. As such, we believe that students have an obligation to deescalate conflict and/or remove themselves from dangerous situations if at all possible. If you have taken all prudent and precautionary measures to avoid an altercation, and violence is still unavoidable, you may use only the amount of force necessary to extricate yourself from the altercation. Failing to take advantage of an opportunity to remove oneself from the situation negates the claim of self-defense. Actions consistent with appropriate self-defense will be considered a mitigating factor in consideration of potential conduct action and/or sanctioning.
- G. Amnesty Policy
- i. Notre Dame College supports a safe and holistic learning environment that enhances academic achievement and student success. A Medical Amnesty Policy fosters responsible decision making and encourages our students to take active steps toward wellness and self-care. The college recognizes that there may be times when students face medical emergencies involving excessive drinking and/or drug use. Under this policy, if an individual seeks medical attention (for themselves or for another) due to a medical emergency, student conduct disciplinary action may not be taken against the student for consumption or possession of alcohol or drugs.
  - ii. Medical Amnesty applies only to the possession, consumption or being in the presence of alcohol and drugs. It does not preclude disciplinary sanctions due to any other violation of the Student Code of Conduct. Additionally, this policy does not prevent action by campus police, other law enforcement personnel, or other third parties.

- iii. Individuals who are granted medical amnesty will be required to meet with the Dean of Students Office and may also be required to participate in educational training around substance use and/or bystander intervention, complete a substance abuse evaluation, or any other sanctions deemed appropriate.
  - iv. Medical Amnesty is not intended to be used more than once. Repeated requests will be evaluated by the Dean of Students Office to determine whether or not Medical Amnesty will be granted. If a request is denied, the individual will be referred to the Office of Student Conduct. Students whose substance use puts them at risk repeatedly may also be encouraged to take a medical leave from the college to address the behavior and enable them to live safely in the community when they return.
  - v. For more information regarding the College's Amnesty Policy as it relates to Sexual Misconduct (Title IX), please see section 5, L, viii of this handbook.
- H. Concealed Carry Policy
- i. Students who possess a current Concealed Carry License (CCL), in compliance with the Ohio Revised Code 2923, are prohibited (by College Policy) to carry (concealed or open carry) on their person, on any part of the College property (leased, controlled or owned). Where provided in the Ohio Revised Code, students must lock their firearm in a locked motor vehicle, limited only to any parking lot or parking area on the campus property.
  - ii. Those students who participate in work study or employment by the college during the given academic year or semester shall comply with all provisions as noted under the Student Handbook when dealing with CCL, not the Employee Handbook. Questions regarding which policy to follow is simply determined by the 'primary purpose' of the individual during the academic year/semester.
- I. Student Records (FERPA)
- i. The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. Students obtain these rights upon attendance at Notre Dame College. Attendance at Notre Dame College begins with either the first day of class or the date the student moves into student housing, whichever is earlier.
  - ii. The student's rights include the right to inspect and review the student's education records within 45 days of the day the College receives a request for access.
  - iii. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
  - iv. The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. Please note that this is not a grade appeal mechanism.
  - v. A student who wishes to ask the College to amend a record should write the College official responsible for the record, clearly identify the part of the record that the student wants changed, and specify why it should be changed.
  - vi. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
  - vii. The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the full extent that FERPA authorizes disclosure without consent.
  - viii. Under one such exception, the College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate

educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

- ix. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College.
- x. Upon request, the College also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.
- xi. The right to withhold directory information. The College has designated the following as directory information: student name, address (including e-mail address and parents' address), telephone number, date and place of birth, photograph, major field of study, class year and enrollment status, dates of attendance, degrees and awards received, the most recent previous educational institution attended, participation in officially recognized activities and sports, and weights and heights of members of athletic teams. Students may refuse to allow the College to designate the above information about them as directory information by notifying the Registrar in writing within two weeks after the first day of class for the fall semester. Students must submit an annual written notification of refusal to allow the designation of directory information.
- xii. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5901.