



NOTRE DAME COLLEGE

2022-2023 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 at 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 influences 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.

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 deciding 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 at Notre Dame College, whether on or off campus, are expected to abide by the policies set forth in the Code of Conduct.

Disclaimer

Each student is responsible for the information contained in the policy section of this handbook. All policies will be enforced, and all violations will be subject to action by the Division of Student Affairs. The college reserves the right to modify or change all policies and procedures as necessary without prior notice. Please check the website of the most current version of the policy.

2. Core Documents

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.

Learning Objectives

Notre Dame College's Learning Objectives represent the highest level, biggest picture of what a student should learn at NDC. The Learning Objectives are not just achieved by going to class but what a student does outside of the classroom as well.

Undergraduate Learning Outcomes

- Responsibility: Personal, Professional, Global
- Communication
- Critical Thinking
- Information Literacy
- Ethical Inquiry

Master's Level Learning Outcomes

- Research & Dissemination
- Analyze & Evaluate
- Application of Knowledge

- Ethics

Fearless the Falcon

For many years, Notre Dame College did not have a mascot. The original Falcon logo designed in 1991 was feminine with long eyelashes leaning against a stylize “ND.” In 1996 incoming college president Gay Culverhouse commissioned a makeover of the flirtatious falcon. The logo, featuring a fierce-looking blue falcon and a slanted font meant to convey the swift nature of the bird, was designed by Aimee Knipper, a 1991 graduate of the College and professional graphic artist. By 2003 the logo had a new design, incorporating the letter “F” into the wings of the bird. In 2008 a more macho falcon replaced this design. This is the present-day logo.

https://notredamefalcons.com/news/2008/10/15/NDC_Logo_Release_O15.aspx

The College’s sports teams were known as the Blue Falcons until 2001. When they started to be referred to more as simply the Falcons. By 2003 they were known exclusively as the Falcons. Starting in 2012 the Falcon became known as Fearless the Falcon. Fearless can be seen entertaining crowds and boosting school pride wherever he goes.

Academic Calendar

It is the responsibility of students to know the academic calendar and the important dates set within it.

Deadlines for graduation and registration are all found in the academic calendar. You can view the calendar at this website <https://www.notredamecollege.edu/academics/academic-calendar/>

3. Academic Affairs

The Notre Dame College Academic Catalog is the official statement of policy in academic matters. Each student has the responsibility of studying the Academic Catalog and understanding the academic requirements of the college. There are separate catalogues for undergraduates and graduate students. Students who have questions regarding academic policies and procedures should consult the Academic Catalog online at <https://www.notredamecollege.edu/academics/resources/course-catalogs/>

The Provost and Dean of the Faculty, **Dr. John Smetanka**, oversees NDC’s academic program. Dr. Smetanka’s office is located in 130 (main floor) of the Administration Building. He can be reached by phone at 216.373.5310 or by email at jmetanka@ndc.edu.

Other important offices within Academic Affairs are listed below. More detailed descriptions of the responsibilities and functions of these offices are provided in the Academic Catalog.

Academic Divisions

Arts & Humanities

Chairperson: Ken Palko, kpalko@ndc.edu, 216.373.5296

Departments/Programs: Criminal Justice, Cybersecurity, English, Emergency Management and Policy Studies, Graphic Design, History, Intelligence Studies, Legal Studies, Music Entrepreneurship, Political Science, Strategic Communication and Public Relations, Theatre Entrepreneurship, Liberal Studies (Associate of Arts)

Business Administration

Chairperson: Anthony Mauceri, amauceri@ndc.edu, 216.373.5303

Departments/Programs: Business Administration, Entrepreneurship, Finance, Healthcare Administration, Human Resources Management, Management Information Systems, Management, Marketing, Software Development, Sport Management, Management (Associate of Arts)

Professional Education

Chairperson: Dr. Sue Corbin, scorbin@ndc.edu, 216.373.5429

Departments/Programs: Education, Non-Licensure Program (Education)

Licensure Areas: Early Childhood Education, Middle Childhood Education, Adolescent/Young Adult Education, Integrated Language Arts, Integrated Mathematics, Integrated Social Studies, Life Sciences, Life Sciences and Chemistry, Multi-Age Education (k-12) Mid/Moderate Intervention Specialist,

Science & Mathematics

Chairperson: Dr. Sharon Balchak, sbalchak@ndc.edu, 216.373.5295

Departments/Programs: Biology, Biochemistry, Environmental Science, Exercise Science, Mathematics, Medical Laboratory Science, Psychology, Social Work

Nursing

Chairperson: Dr. Colleen Sweeney (interim), csweeney@ndc.edu, 216.373.6373

Departments/Programs: Nursing (BSN), Nursing (RN to BSN)

Registrar's Office

General Contact Information

- **Phone:** 216.373.5213
- **FAX:** 216.916.4999
- **E-mail:** registration@ndc.edu

Location:

Administration Building 1st floor, Student Services Office

Hours:

Monday-Friday, 8:30 a.m. to 4:30 p.m.

Services Information

1. Order official transcripts at <https://tsorder.studentclearinghouse.org/school/welcome>
2. Register for courses at: My.NDC.edu
3. Registrar Forms: Located on the left side of the Academics Tab on My NDC under Registrar Forms
 - Add An Internship to Schedule
 - Change of Address Form
 - Change of Advisor Request
 - Change of Catalog Request
 - Request for Verification of Enrollment
 - Major/Program Change or Minor Declaration
 - Change Degree Level
 - Withdrawal Form from College
4. Intent to Graduate Form: Located on the left side of the Academics Tab on My NDC
 - Should be completed and submitted to our office 1 year prior to planned graduation date
5. Online Degree Audit: Located on the right side of the Academics Tab of My NDC
 - Listed under My Degree Progress, which shows your progress towards completing core and major courses as well as other graduation requirements
6. FERPA Forms: Located on the FERPA tab on My NDC

- Submission of this form allows NDC faculty/staff to discuss your student information to individuals you approve via the forms (i.e. parents, others)
7. Taking Classes at other colleges: if you need to take a course elsewhere while a student at NDC, our office can assist with the process for some local and online courses
- Talk with Student Success (advising) to discuss options such as cross-registration or online Acadeum courses

4. **Student Success**

Mission Statement

The mission of the Student Success Center is to provide direction and support for students as they connect to campus, establish their academic, personal, and professional goals, and discover their path to success. In order to assist students in reaching their goals and to ensure the quality of student life and learning, the Student Success Center will focus on the combined efforts of academic support, academic advising and retention.

What is the Student Success Center?

The Student Success Center combines academic support and advising services with retention efforts. This philosophy enables the College to foster interaction among our students, faculty, and staff, and provides the necessary academic and personal support students at Notre Dame College need to be successful.

With all these services combined in one place, our staff is familiar with the unique challenges of many of the students at NDC and can assist them timely. The Student Success Center continually encourages students to take advantage of these free resources plus others offered on campus to promote student engagement at NDC.

What is the Dwyer Learning Center?

The Learning Center offers FREE educational support for all NDC students. Services are designed to help all students achieve academic success. Peer tutors are available for most subjects and at various times throughout the week. All peer tutors are Notre Dame College upperclassmen who are in high standing in a particular major or course and were recommended by a faculty member. We also have designated areas for a Writing Lab and Math Lab.

The tutor schedule is available on [My NDC](#) – go to Academic Services and then to the Dwyer Learning Center link. You can drop in during their hours or contact the tutor to make an appointment. If you have any questions or need assistance connecting to a tutor, contact dwyerlc@ndc.edu.

Disability Services

Notre Dame College has two levels of support for students with documented learning disabilities. Level One Services are with the Dwyer Learning Center. DLC can provide basic accommodations such as extended time on exams in a distraction-reduced environment.

Level Two Services are with the **Thrive Learning Center**. Thrive is a fee-based program that offers more personalized and comprehensive services including:

- Weekly progress monitoring and ongoing organizational support
- Unlimited individualized tutoring by degreed professionals in all subjects
- Specialized first-year seminar course in collaboration with Cleveland Clinic professionals
- Career Training and interview preparation
- Social and volunteer opportunities

Students are responsible to self-identify their need for accommodations and provide relevant and up to date documentation of a disability or medical condition from a qualified professional in order to receive services.

Please submit documentation to:

Barb Kooser
Director of Academic Access & Disability Services
216.373.5359
bkooser@ndc.edu

We are here for you!

Whether it's help on a math concept, getting ideas together for your theology paper, or questions about your financial aid, the Student Success Team is here to help.

We are familiar with the policies and procedures at Notre Dame College and will be readily available to help you with any questions or concerns that may come about in your college career. We want to enrich your college experience and help you be successful both inside and outside of the classroom. Don't pass up the opportunity to get the FREE assistance you may need!

Contact the Staff

Administration Building-Rooms 202 & 206

Kristin Butterfield

Director, NDC Online Bookstore, Advisor
216.373.5179
kbutterfield@ndc.edu

Barb Kooser

Director of Academic Access & Disability Services
216.373.5359
bkooser@ndc.edu

Katie McMahan

Director, Student Success
216.373.5327
kcmcmahan@ndc.edu

Steven Sabo

Director of Advising
216.373.6337
ssabo@ndc.edu

Library

The Clara Fritzsche Library supports the mission of Notre Dame College by offering a broad collection of academic resources, providing information literacy help, and fostering an environment conducive to learning.

The library is generally open at the following times with exceptions noted for summer, holidays and special events that are posted via email and the library website. The library website can be reached at www.notredamecollege.edu/library to view the latest hours and operations. Students are welcome to use the facility to study even when the library staff is gone if the building is still open.

For one-on-one research help, please feel free to make an appointment with any of our staff members:
Karen Zoller, Director of the Clara Fritzsche Library, 216.373.5266, kzoller@ndc.edu

5. Financial Aid Information

The Financial Aid office is the office that can assist you with federal or state financial aid. They are in the Administration Building in room 117, also known as the Student Services Office. If you have questions, you can call 216.373.5213 or email at finaid@ndc.edu

General Financial Aid Guidelines:

- Use of financial aid funds acknowledges the acceptance of all provisions and rules that govern their use as they appear here, and on the NDC website.
- To be eligible for federal loans, you must be enrolled for at least six credit hours per semester.
- To be eligible for institutional scholarships, grants and work-study awards you must be enrolled at NDC for at least 12 credit hours each semester.
- You earn your federal funds by maintaining attendance throughout the entire semester. If you cease to attend or withdraw (earning all F's, W's, or I's) you may lose all or part of these funds.
- You must make [Satisfactory Academic Progress](#) towards your degree
- Notre Dame College reserves the right to review, revise, or cancel a financial aid award at any time due to:
 - Changes in your financial, academic, or residential status. **(Your financial aid may change if you move off campus.)**
 - Your failure to comply with the policies, GPA requirements and procedures or laws pertaining to those programs.
 - The availability of federal, state, or college funds for each program.
 - Changes in college policy or receipt of additional grant or scholarship funds.
- Your financial aid is awarded based on your enrollment status. If you do not plan to be enrolled full-time, you must notify the Financial Aid Office. Please use the Enrollment Plan Form/Summer Financial Aid Application found at [My.NDC](#) on the Financial Aid tab.
- The federal government charges a guaranteed fee on your student loan that reduces the amount you receive.
- Work study funds are not posted to your student account until you have earned them and submitted your paycheck to the Student Accounts Office. (You may set up direct deposit of your work-study pay through [My.NDC](#) under the Student Accounts tab.)
- Work study recipients must locate employment on campus by October 1 (for fall semester) or February 1 (for spring semester) or forfeit the award.
- Students who enroll in sub-sessions within a semester (for example D1 and D2) are awarded financial aid based on their entire semester enrollment (the sum of two sub-sessions). Changes to your enrollment across a semester may result in the cancellation of any financial aid already posted to your account.
- Your award notification is valid for only the semesters indicated. If you fail to attend a semester or withdraw during a semester the remaining aid is null and void. You must contact the Financial Aid Office to receive a revised award notification.
- To apply for summer financial aid, use the electronic Enrollment Plan Form/Summer Financial Aid Application at [My.NDC](#) under the Financial Aid tab.
- You must notify the Financial Aid Office of any financial aid you may have used during the current academic year including summer, fall or spring semesters while in attendance at another school.

What is Satisfactory Academic Progress (SAP)?

Federal regulations require that Notre Dame College establish and implement a policy to measure those students receiving federal and state financial aid are making satisfactory academic progress (SAP) towards a

degree.

There are three measurements that are used to determine eligibility: (1) Grade Point Average, (2) Credit Hour Requirement, and (3) Maximum Time Frame. Failure to meet one or more of these requirements after a Financial Aid Warning period may result in loss of all federal and state financial aid.

Monitoring of Academic Progress

An evaluation of SAP measurements will be made after grades are finalized for each semester. A student who fails one of the measurements will be placed on a **Financial Aid Warning** for one semester. During the warning period, the student may continue to receive federal and state financial aid without appeal.

1. **GPA measurement:** Measured at the end of every semester. Undergraduate students must maintain a 2.00 GPA when attempted hours are 60+.
2. **Credit Hour measurement:** Measured at the end of every semester. Undergraduate students must complete at least 70% of their attempted credit hours over the entire program. (Students who have attempted less than 32 credit hours must complete 60%).
3. **Maximum Time Frame measurement:** Measured at the end of every semester. Undergraduate students have until they have attempted 180 credit hours.

Complete copy of the NDC SAP policy is available at <https://www.notredamecollege.edu/federal-standards-of-academic-progress/>.

SAP Appeal Process

Students who have lost eligibility for federal/state financial aid because of SAP may appeal to regain eligibility for at least one semester. Students must explain any mitigating circumstances that occurred during the semester in question that adversely affected their ability to successfully complete their required coursework. The submitted SAP Appeal Form will be reviewed by the appeals committee.

If your SAP Appeal is approved, you will be given a Financial Aid Academic Plan, which will outline the conditions you will need to meet to continue to receive federal/state financial aid. At the end of your next semester of enrollment, if you meet the conditions of the plan, you may continue to receive aid under the Academic Plan until you are back in sync with the SAP policy as outlined above.

Deadline for appeal: Students should complete all SAP appeals (including submission of the signed Academic Plan form) prior to the start of the next enrolled semester to keep their student account in good standing. Appeals that occur after the end of next enrolled semester are not retroactive. For example, if you fail a SAP measurement at the end of the spring semester, your appeal (and submission of the signed Academic Plan form) should be completed prior to, or by the start of, the next enrolled semester (either summer or fall), but no later than the end of the next enrolled semester in order to receive federal aid for that semester.

What happens if you withdraw from all of your classes after the first day? (Return to Title IV Policy)

Federal financial aid is awarded at the beginning of the semester with the assumption that you will attend throughout the entire term. When you withdraw (either officially, through the Registrar's Office, or unofficially, by not going to your classes), the Financial Aid Office is required by federal regulation to calculate how much of your financial aid you have "earned" through your attendance.

Unearned federal aid must be returned to the federal government, which likely will create a balance on your student account. If you have questions about how dropping or withdrawing from your courses might affect your financial aid, contact the Financial Aid Office for assistance at 216.373.5213 or finaid@ndc.edu.

Pell Recalculation Policy

The federal government requires all colleges to set Pell grant recalculation date(s) for every semester. The policy

of the NDC Office of Financial Aid is to review/recalculate Pell grant eligibility at the end of the 100% tuition refund period (add/drop week) of the last class in which a student is enrolled.

A Pell grant may be reduced or increased based on changes in enrollment. If a student is enrolled in full semester courses only, eligibility will be reviewed (and possibly recalculated) at the end of the full semester's add/drop week. If that student later adds a course in the second sub-session of the semester, eligibility will be reviewed again at the end of the second sub-session's add/drop week.

Federal regulations also require the College to recalculate Pell grant eligibility when a student fails to attend any course used to award a Pell grant.

6. Payment Policies (Student Accounts)

The Office of Student Accounts is the office that can assist students with their payments and coming up with payment plans. The office is located in the Administration Building in Office 117 or you can email the office at studentaccounts@ndc.edu or call at 216.373.5213.

The Payment Options are:

1. Payments in full are due before September 1 and January 10 of the school year.
2. Payment can be made in person, by cash, check or money order. Checks and money orders can be mailed to the Office of Student Accounts. Any bank card or credit card payments must be made through our online portal CASHNet. A 2.75% fee will be applied to cards.
3. Fees can be avoided on CASHNet by using your bank routing number and account number for your debit card. Your information can be stored in CASHNet for your convenience.

Notre Dame College has a five-month payment plan for the Fall and Spring semesters. The calculated balance is divided into five payments due the first of the month.

- The Fall semester payments are due the first of each month beginning August 1 through December 1.
- The Spring semester payments are due the first of the month beginning January 1 through May 1.
- Sign up for the payment plan on the Student Accounts page of My.NDC.edu by completing the Payment Plan request form.

There are Federal Direct Plus Loans, for parents that are available through FAFSA. If the parent borrower loan request is denied the student will receive an additional \$2000.00 (Freshman) a semester in Unsubsidized Loan money. That amount increases when the student reaches Junior status.

There are also Private/Alternative loans available through Sallie Mae and other banks.

Late fees are applied twice a semester if the payments are not made as scheduled. The late fee is \$100.00 plus 2% of the balance. Students will receive only one late fee a semester.

7. Mailroom

The Mailroom is run through the department of Office Services. It is located on the ground floor of the Administration Building. The director of Office Services is Catherine Anthony-Gudel. You can reach her at 216-373-5220 or email her at canthonygudel@ndc.edu.

Mailroom hours are:

Monday-Friday – 8:45-5:00pm

Subject to change for holidays and when the college is closed.

Rules and Regulations for the mailroom:

- Students **MUST** present their Student ID to pick up any mail.
 - They *cannot* have someone else pick up their package for them. **UNLESS** they can call the student and we can speak to him/her to verify their picking up the mail. It is best to Facetime with the student for confirmation. If that student whose mail is being picked up cannot be reached, then *the mail will not be given to the student doing the pickup*
- **Replacement Student ID badges** are made between the hours of 10:00am to 12:00pm and 3:00pm to 5:00pm Monday through Friday **ONLY**.
- Mail deliveries should be “addressed” using the students “legal” first and last name. NOT nicknames, first name only and or initials. There is **no way** for us to determine who the package belongs to unless their full name is on the package. If a package arrives *without being properly addressed*, the mail room will hold the package for only **two weeks**, before returning it to sender. The cost incurred for returning any mail or package will be charged to your student account.
- Every student will be given **one key** for their mailbox. It is your responsibility to keep track of this key and have it to collect your mail. Office services will send a brief email when you receive mail to alert you. Office services **will NOT** check your mailbox for you when you have a mailbox key.
- **Students living off campus**, need to fill out a COA or change of address form so that any mail that is sent to you, can be sent to your current address. The mailroom is not a storage facility.
- Keys **MUST** be returned to the mailroom at the end of each the semester, or your account will be charged **\$25**.
 - Do **NOT** leave your key on the mailroom’s front counter. Give it to an attendant.
 - Do **NOT** give your key to another student OR your RA **unless** the key is contained in an envelope that has the **Key# AND your full NAME** on it.
- The mail center can send out packages of 20lbs of less. We offer basic school supplies and can make photocopies as well as fax.
- Students should be informed that any mail going out needs to have a postage stamp on it. They can go to Student accounts to pay for their postage and bring their receipt to the mailroom. Then we will mail their package.

8. **NDC Police (safety and emergency information)**

Campus Police	216-373-5212 (Press Option #1 if you need to speak to a dispatcher)
South Euclid Police	216-381-1234
South Euclid Fire/EMS	216-381-1212

Campus Police are located on the ground floor of the Administration Building. Stop down to visit and get to know us as we will be on campus 24 hours per day 7 days per week for the protection of students, faculty, staff, and the property of our community. Please be sure to maintain your Student ID card! They are extremely important for access and for purposes to identify you as part of our community. If lost, stolen, or if your card becomes inoperable, please let us know so we can get it fixed or replaced.

This is a drug-free campus and all laws pertaining to drug possession will be enforced. Any criminal charges resulting from drug possession *could* result in the loss of certain grants or scholarships.

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, bongs, pipes, rolling papers, scales and grinders.

This is a weapons-free campus and NO weapons of any kind are allowed.

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.

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.

- A. **Parking** – Students, faculty, and staff must register their vehicle to park on campus.
 - i. Persons may park in any legal parking spot, 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.

9. Student Affairs

Mission

Student Affairs is comprised of the following areas: Counseling Center, Residence Life, Campus Ministry, Student Engagement & Leadership, Student Conduct, and the Falcon Café. Student Affairs is committed to educating and empowering students, so they become leaders of responsibility. We do this by creating a welcoming and inclusive campus community through our activities, programs, services, and ministry.

We also recognize that students play an integral role in the development of this engaging and dynamic educational community. Working with students in a co-curricular manner is our professional and our passion. We work to bring the mission to life through our interactions with students.

Departments in Student Affairs

Campus Ministry

Campus Ministry at Notre Dame College seeks to create a welcoming family-like atmosphere, serving as a place for students and faculty/staff to form meaningful relationships, explore big questions, and live out their faith. We draw on our Catholic identity and the spirit of the Sisters of Notre Dame to encourage the spiritual growth of

all students and staff. Recognizing the diversity in the Notre Dame College community, we want to support everyone in their spiritual life, regardless of religious background.

The Campus Ministry Office, located in Regina 308, is a place to relax, get a snack, and talk to someone who cares about you. Because our campus is very diverse, we work to support everyone in their spiritual life, regardless of religious background. Our office runs Sunday evening worship, service in the community, Bible study and discussion groups, and off-campus outings. We also do retreats every semester and Immersion Experiences in the spring. To connect with us, email Ted at tsteiner@ndc.edu or Anita at ayoder@ndc.edu.

We live out this mission through:

- The [Campus Ministry Office \(CMO\) Team](#) that is available for all students, faculty, and staff
- [Inclusive worship](#), prayer experiences, and [sacraments](#)
- [Conversation groups, gatherings, retreats and conferences](#)
- [Service opportunities](#) in the local community
- [Immersion Experiences](#) and social justice education

For more information, email Ted (tsteiner@ndc.edu) or Anita (ayoder@ndc.edu).

Conduct Office

The Office of Student Conduct is responsible for holding students accountable to the community standards listed in our Code of Conduct. Any student who is allegedly found in violation of any of the policies listed in the Code of Conduct will be brought through the Office for a student conduct hearing. Additional information about the Student Conduct processes may find additional information (link to handbook page #s here).

To speak with a staff member regarding Student Conduct, please contact Katie Mazanetz, Assistant Dean of Students, at kmazanetz@ndc.edu or visit her office on the first floor of the Falcons Nest in L 7.

Counseling Center

The Counseling Center offers free, confidential counseling to students with licensed mental health clinicians. It is a safe space for students to get professional, non-judgmental support for a variety of concerns including stress, adjustment to college, anxiety, depression, relationship problems, or family concerns. We provide many non-counseling options for helping students manage stress in addition to counseling such as stopping by and visiting our therapy dog, Penny, getting a massage or listening to self-guided meditation in our 3 Chill Spots on campus, or taking part in the many outreach events we hold throughout the year. Making an appointment is easy. Stop by the counseling center office during regular business hours (9-4, M-F), call us at 216-373-6459, email us at ndccounseling@ndc.edu or go to our web page at <https://www.notredamecollege.edu/student-life/counseling-center/> and click on the link to make an appointment.

Dean of Students Office

The Dean of Students is Senior Student Affairs Administrator and is responsible for developing student life on campus, including the overall administration, supervision and evaluation of student affairs policies, programs and activities including Residence Life, the Counseling Center, Student Engagement, Campus Ministry, Student Conduct, and the Falcon Café. The Dean also is the liaison between the Dining Services company, Normandy.

Students are welcome to stop by the office at anytime to chat, comment on something you think needs to be changed, steal a piece of candy, or just hang out.

The Dean of Students can be reached at 216.373.5181 or at dcgill@ndc.edu

Dining Services

Dining Services is run through Normandy Catering, a well-known and trusted company serving the Cleveland area for over 40 years. Every student, faculty, staff, and guests are valued, and Normandy works to provide healthy, delicious, diverse, and attractive food options.

The dining room is in Connelly Hall between Peterson and Harks. The menu consists of many options including fresh cooking while you watch, soups, salad bar, deli station, pizza, grilled to order, desserts, and many other selections.

Dining Hall Hours

Monday through Thursday

7:30 AM – 9:00 AM – Full Breakfast

9:00 AM – 11:00 AM – Light Breakfast

11:00 AM – 1:30 PM – Full Lunch

1:30 PM – 4:30 PM – Light Lunch

4:30 PM – 8:30 PM – Dinner

Friday

7:30 AM – 9:00 AM – Full Breakfast

9:00 AM – 11:00 AM – Light Breakfast

11:00 AM – 1:30 PM – Full Lunch

1:30 PM – 4:30 PM – Light Lunch

4:30 PM – 7:30 PM – Dinner

Saturday and Sunday

11:00 AM – 1:30 PM – Brunch

1:30 PM – 4:30 PM – Light Brunch

4:30 PM – 7:30 PM – Dinner

General Dining Hall Policies

- Backpacks, equipment bags, food and drink containers are not allowed in the dining hall.
- No outside food and drinks are allowed in the dining hall
- Removing food or dishes from the dining hall is not permitted. All food must be consumed in the dining hall.
- Appropriate attire must be worn while in the dining hall always including shoes.
- Cleanliness is a mutual responsibility - bring your dishes to the dish return and clean-up your table. If there is a spill, please let one of the dining hall staff know so that it can get cleaned-up immediately.
- Treat others with respect and use appropriate language
- Please do not waste. Take what you can reasonably eat, you can always go back for seconds, it will help keep costs down.

To enter the dining hall, you need to have a meal plan with available meals, cash, or signed orange or blue meal card supplied by Notre Dame.

If a student is gluten free, has food allergies or dietary restrictions, we can help. All they need to do is ask one of the cafeteria workers and they will get the manager or chef on duty.

Kitchen phone is 216-297-0443 or for more information please contact Ryan Baker at ryan@normandycatering.com

Working in Dining Services

There are great employment opportunities for a variety of shifts in the Dining Hall. You will hone your time management skills while receiving some basic culinary training. Contact Ryan Baker at ryan@normandycatering.com for more information.

Falcon Café and Spirit Shop

The Falcon Café, located on the first floor of the Clara Fritzsche Library building, is a popular gathering spot, on campus. The Café offers grab-and-go food, coffee drinks, milkshakes, and smoothies, as well as offering a space to hang out, study, and socialize. The Falcon Café's stage is used throughout the year by Student Engagement for events such as Open Mic Nights, and other campus departments and student organizations to promote activities, event sign ups, and volunteer opportunities. If you or your student group would like to reserve the Café Stage, contact café manager Cathy Pressimone (cpressimone@ndc.edu) to complete the necessary paperwork. The Falcon Café is also always hiring and can hire non work-study students as well – talk to Cathy or any of the Falconistas about applying.

The Falcon Café is also home to the NDC Spirit Shop, which sells a variety of clothing items and accessories to show off that Falcon Pride. From polos to hoodies, pajama pants to coffee tumblers, the Spirit Shop has you covered. The Café also sells basic school supplies and other small toiletries items when the need arises. Be sure to also keep an eye out for the new Centennial items popping up in the Spirit Shop all year long.

Residence Life

Residence Life is an integral part of a Notre Dame College education and supports the academic mission of the College by enhancing the development of each student. A significant part of your development involves engaging and learning outside of the classroom. You can learn more about this through the my.ndc.edu and clicking the housing tab. Residence Life at Notre Dame College is responsible for housing agreements, commuter living, graduate assistant living arrangements, meal plans, room keys, and contracts and appeals for housing agreements.

The residence halls at Notre Dame College are student's home away from home! We are home to five residence halls – two are designed for first-year students, and three are designed for upper class students. Residence Life has three professional staff members, the Director of Residence Life, and two Residence Life Coordinators. There are also residence assistants who are student workers that help residents throughout the year inside of the residence halls. Each room comes with two beds, two desks and chairs, two dressers or wardrobes.

Please see further in this book on rules and regulations related to Residence Life.

Alexander Doyle, Director of Residence Life, 216.373.5274, adoyle@ndc.edu

Maddy Cataldo, Residence Life Coordinator, mcataldo@ndc.edu

Student Engagement & Leadership

Student Engagement & Leadership is the home to campus activities and student organizations at NDC. Every week, students are notified of that week's upcoming events. Additionally, students can find out what's happening on campus through social media, flyers, and electronic bulletin boards. From open mic night to blacklight dodgeball, movie nights on the Administration lawn to inflatable obstacle courses, Student Engagement & Leadership has you covered!

The Director of Student Engagement & Leadership is Martez Glenn, M.Ed. His office is on the first floor of the Falcons Nest in L6. You can reach him via email at (mglenn@ndc.edu).

10. Voter Registration

Voting in local, state, and national elections is part of the personal, professional, and global responsibility that we educate at Notre Dame. We strongly encourage students to exercise their right to vote. Registering to vote in the State of Ohio is done online - regardless of an election year. If you need assistance on how to register to vote, please contact the Dean of Student's office or go to <https://olvr.ohiosos.gov/>.

11. Residence Life Policies

Internet Access

Each resident room is provided with internet access through the College. Residents are expected to follow all policies related to acceptable networking and technology use as stated by the IT Department.

Laundry Facilities

All residence halls have commercial quality washers and dryers which are maintained by the Department of Residence Life for use by residents only. All services are free of charge.

Lost Keys and ID cards

If you lose your room key, you are required to report it immediately to the Department of Residence Life. You will be assessed applicable fees for key replacement of \$75. ID cards cost \$30 for a replacement.

Lock Outs

If you are locked out of your room and/or have forgotten your student ID, you must contact the resident assistant in your residence hall for assistance. Residence Life staff members are not permitted to unlock a room for anyone other than its registered occupant(s).

If you lose your student ID, you will need to contact NDC Police to get a replacement (fee will be applied).

Room Maintenance

Submit a [maintenance request](#) and someone from the maintenance staff will come by your room to repair or replace it. You can click directly on the link or log on to My.NDC, click the NDC Life tab at the top of the page, and then select Maintenance Department on the left-hand side of the page. Everything from that point forward is a drop down or fill-in option. If you're having trouble filling out a maintenance request, see your RA for help. Please note that Step 8 on the maintenance request requires a password. The Password is "ndc" and is not your email password.

RESIDENTIAL COMMUNITY LIFE

For many college students, living in a community is a new experience. The Department of Residence Life does not expect roommates to become best friends. However, you and the other residents assigned to the room are expected to make every reasonable effort to live together in a respectful environment. If one resident infringes upon the rights of another, all of the residents are required to make an effort to work together in an atmosphere of mutual respect to resolve their differences. If you are experiencing trouble with another resident, you are encouraged speak to your resident assistant.

Each resident will be provided with a Roommate Agreement at the beginning of the academic year. Residents are expected to complete their Roommate Agreement together and submit the completed document to their Resident Assistant.

RESIDENCE HALL PROCEDURES

Break Period Accommodations

Notre Dame College has several breaks throughout the academic year. The residence halls remain open for the majority of campus breaks, although the campus dining hall closes for most breaks.

The residence halls remain open for the following campus breaks:

- Fall Break
- Thanksgiving Break
- Spring Break
- Easter Break

The residence halls CLOSE for the following campus breaks:

- Winter Break
- Summer Break

If you live in the residence halls and your class extends past the residence hall closing time, you will be given extended time to stay in the residence halls. Please contact the Office of Residence Life if you have a class that extends past closing times.

Students who are on “in season” sports team rosters will be permitted to stay over respective school breaks. This information must be communicated from coaches.

Please refer to the [Notre Dame College Academic Calendar](#) for specific dates for campus breaks.

Students who need to stay in campus housing when the residence halls close must be given approval by the Office of Residence Life. Permission to stay over these respective breaks will be only granted to students who have extenuating circumstances. Students who are granted permission to stay on campus during school breaks will be required to pay the appropriate fees for staying. Any student who has not received permission from the Office of Residence Life will be required to leave the residence halls.

Damage to Resident Rooms

When you move in, you will receive a Room Condition Form completed by Residence Life staff. This document is used to establish the condition of your room and inventory the college equipment provided for your reasonable use. Room damage includes, but is not limited to, damages caused by use of electrical appliances; use or placement of personal belongings; relocation or misuse of college-provided equipment; and use of adhesives, nails, tacks, and/or acts of vandalism. When you vacate your room, you are required to complete the check-out procedures. This assessment will be documented and will determine your financial responsibility for the condition of your room at departure. You are responsible and accountable under your Residence Hall Contract for all damages resulting from any negligence and misuse. You and your roommate(s) will be held jointly and severally liable for all damage to the room during your occupancy.

Room and Roommate Changes

- Room Switches – If Resident wishes to change rooms and/or residence hall, they must contact a Residence Life staff member and follow the room switch process. No room switches will occur during the first two or last two weeks of each semester.
- Room Consolidation - 1) In order to be fair, cost effective, and accommodating to all students, the College may request residents to change room or hall assignments, or to assign roommates to consolidate vacancies; 2) Vacancies are consolidated by having a resident move from a double room when there is only one occupant, to a room with double occupancy; 3) Before requiring residents to consolidate, Residence Life will allow residents to find a new roommate of his/her choice who currently lives on campus. Three choices exist regarding consolidation: you may remain in your room without a roommate but must pay extra, you may find another person to be your roommate, or Residence Life will find another person to be your roommate-or you may be asked to be another person’s roommate. Residents failing to cooperate with the consolidation policy can be assessed a pro-rated charge without their consent.

Prohibited Items

- Here are some must-haves for living on campus: clothes for all occasions, extra-long twin sheets and other bedding items, towels, toiletries, cleaning supplies, hangers, a laundry basket, laundry detergent, an umbrella, a window fan, and plenty of school supplies to survive the semester (notebooks, paper, pens, note cards, calculator, etc.)
- These are some of the items that aren't necessary but are permitted in the residence halls: TVs, gaming systems, a laptop or computer, refrigerators smaller than 4.2 cubic feet, Keurig coffee makers, an iron and ironing board, posters and pictures to hang on your wall (but only hang them with painters tape), power strips that have an on/off switch, and fish in a tank 10-gallons or smaller.
- The following items are prohibited and should be left at home: pets, candles, extension cords, air conditioners (unless medically necessary and approved by Residence Life), adhesive except painters tape, toaster ovens, traditional coffee makers, microwaves (they are provided on each floor in Harks, Petersen & Providence and in each of the four-bedroom apartments in North and every room in South so no need to bring one), Foreman Grills and the like, griddles and deep fryers.

Guest Policy

An overnight guest is defined as a family member, friend, or other NDC residence hall student who is staying in a resident's room on a temporary basis, either overnight or for a weekend. Only same-sex overnight guests will be permitted in Petersen and Providence Halls, and only with the permission of the roommate.

All overnight guests must be registered in the Office of Residence Life by completing a [Guest Registration Form](#) in order to be permitted to stay overnight. No one under the age of 18 is permitted to stay on campus. The overnight guest must provide a federal or state issued photo ID (e.g. license, passport, state ID card) to stay in the halls. Overnight guests who wish to take advantage of the campus food service and are not on the meal plan must pay the cost determined by the dining service for each meal. Residents are responsible for the conduct of guests at all times.

SPECIFIC POLICIES CONCERNING RESIDENCE LIFE

- A. 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.
 - i. Room Assignments for Incoming Students
 1. All housing agreements received by June 1 of the year in which housing is requested will receive priority housing.
 2. Students submitting housing agreements after the priority deadline will be assigned to an available room and residence hall.
 3. Housing agreements received after August 10 of the year in which housing is requested are not guaranteed housing.
 - ii. Room Assignments for Returning Students
 1. Room selection for returning students takes place in the middle of the spring semester for the following academic year (March/ April).
 2. Returning students must submit a Housing Agreement prior to being able to select a room. Housing Agreements can be found on My.NDC.edu.
- B. Returning students must be registered as a full-time student for the upcoming fall semester prior to being assigned a room. Freshmen students are **required** to have 19 meals per week plan. The Office of Residence Life will automatically add this to your account for your convenience. Transfer students with 30 or more credits or upperclassmen may choose from 19 or 14 meals per week plan by filling out the Meal Plan Request Form (Housing>Meal Plans). **Meals plans may only be lowered during the 1st week of class each semester and only then.** A higher meal plan tier may be selected anytime in the school year.

- C. 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. Harks 2nd floor is designated as a 24/7 quiet floor. Violations of this policy include, but are not limited to:
- i. Excessive noise that is disruptive to the community.
- D. Fines and Fees
- i. Residence Life reserves the right to charge residents of entire floors/buildings fines for damages, vandalism, or cleaning if specific individuals cannot be identified.
- E. 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.
- F. Residency Requirement – Notre Dame College requires all full-time students to live on campus unless the student has permanent residency 40 (forty) miles within Notre Dame College, they have completed 60 credits, or are 21 years of age by the first day of class of the semester.
- i. Please note that once a Housing Agreement is submitted, you have until 11:59 pm the night before the first day of the semester to cancel it without penalty. A student who cancels their housing agreement after 11:59 pm the night before the first day of the semester will be assessed room costs for the entire semester. All cancellations must be submitted in writing to the Office of Residence Life via the Contract Cancellation and Appeal form located on MyNDC under Housing then [Contract Cancellation and Appeals](#)
 - ii. Students must submit an off-campus housing request as a part of the housing selection process to be eligible to live off campus.
 - iii. Students who do not meet the requirements listed above may still submit a request for off campus.
 1. The Office of Residence Life and/or its designee will make final approvals/denials of off campus housing requests.
- G. 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.
- i. Who May Enter a Residence Hall Room – College personnel that may enter a residence hall room during the year include the following:
 1. Members of the Residence Life staff, including Resident Assistants
 2. Maintenance staff
 3. Housekeeping staff
 4. College police
 5. Emergency personnel including, but not limited to, non-NDC police, fire, and EMT.
 6. Student Affairs staff
 - ii. Reasons College Personnel May Enter a Residence Hall Room:
 1. Entry Without Advance Notification (If at all possible, advance notice will be provided.)
 - a. To perform maintenance work.
 - b. To address possible College policy violations.
 - c. To ensure all students are safe in emergency situations.
 - d. To inspect for vacancies or see if rooms are prepared for incoming students/room switches.
 - e. To notify that a resident has been academically dismissed from the college

2. Entry With Advance Notification
 - a. To inspect for health (cleanliness) and safety.
- iii. Procedure for Residence Hall Room Entry:
 1. Entry Without Advance 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.
 2. Entry With Advance 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.
- iv. 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.
- v. Room Search: A room search is conducted when there are policy violations discovered in plain sight or when there is suspicion of a policy violation occurring in the room. If the resident is present, an NDC staff member will look through the room and ask the resident to open items including, but not limited to, furniture drawers, cabinets, mattresses, backpacks, purses, etc.). If a resident of the room is not present, staff will conduct a plain sight inspection.
 1. When Checks Occur: Health and Safety checks are preformed 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, and at the end of the academic year.
 2. Next Steps: If a room needs to be cleaned or a policy violation occurs, the Residence Life staff members will provide documentation to the resident(s) of 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.

12. Student Engagement Policies

- A. Clubs & Organizations –Notre Dame College has over 20 student organizations to be a part of. To find a full listing, check out <https://www.notredamecollege.edu/student-life/activities-and-organizations/clubs-and-organizations/>. If you are interested in starting a new group on campus, please contact Martez Glenn to get the process started at studentengagement@ndc.edu. All student organizations are required to have a student leader, full time faculty or staff member as an advisor, and at least 5 members to be considered in good standing and to receive College funding.
- B. Falcon Activities Board – One of NDC’s student organizations is the student programming board, Falcon Activities Board (FAB). FAB plans and hosts different events for current students – its programming for students, by students! Any current Falcon can join. Interested in joining us for a meeting? Contact Martez Glenn or any FAB officer for dates and times. You can also find more info for FAB online at <https://www.notredamecollege.edu/student-life/activities-and-organizations/falcon-activities-board/>.

- C. 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.
- 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 alcohol 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 Director 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.

13. THE STUDENT CODE OF CONDUCT

Notre Dame is a community of scholars dedicated to educating a diverse population in the liberal arts for personal, professional, and global responsibility. Notre Dame students are expected to behave in a manner that will foster their own development and enhance the total learning environment. Each student is subject to the policies and regulations in effect at any given time. At the time of admission, the student indicates his/her willingness to be governed by these policies and acknowledges the right and responsibility of the college to take disciplinary action for failure to abide by them. It is the student’s responsibility to become familiar with policies and regulations appearing in the Student Handbook and in the Academic Catalog.

All students at the college are expected to conduct themselves, both within the college and elsewhere, in such a manner as to be a credit to themselves and to Notre Dame College. As responsible women and men, they are expected also to seek the resolution of all issues through the process of reason. Moreover, they have the responsibility for complying with local, state, and federal laws, and with all published college policies and regulations.

Nondiscrimination statement

Notre Dame College does not discriminate on the basis of race, color, creed, age, gender, sexual orientation, religion, national origin, veteran status, physical or mental disability, genetic information or any other basis of prohibited discrimination through its programs and activities.

Prohibited 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, regardless of if you are 21 years old or not (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. Please see page 54 for more information on alcohol policies at Notre Dame. 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, approved emotional support animals, animals walked outside on leashes, and fish in the residence halls in one tank 15 gallons or less. Students who have documentation that need a service or emotional support animal should contact Residence Life about the proper forms that need to be filled out. 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.
 - ii. Failure to clean up after a pet on campus grounds.
- C. 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.
- D. 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, including the alleged violator.
 - iv. Excessive use of language to undermine someone’s dignity and security through insults or humiliation.
- E. 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 outlined later in this handbook on page 57. 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, bongs, pipes, rolling papers, scales, and grinders.
- F. Failure to Comply – Students are expected to follow the directions and supervision of faculty and staff. Failure to comply with directions of a college official acting in the authorized performance of duty is a violation. 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.
 - iii. Failure to comply with any health and safety guidelines set forth by the college.
 - iv. Failure to comply with a request issued by an official conduct body of the college
 - v. Failure to comply with or complete disciplinary sanctions.
- G. 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 firecrackers 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.
- H. 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 page 52 of this handbook.
- I. 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 based on race, ethnicity, sex, gender, gender identity, sexual orientation, national origin, religion, creed, age, veteran status, physical or mental disability, genetic information, or any other form of discrimination.
 - ii. Sexual harassment or assault (please see the Title IX policy later found on <https://www.notredamecollege.edu/student-life/student-life-resources/title-ix/>)
 - iii. Conduct that threatens or endangers the health or safety of any person
 - iv. Harassment – Conduct or language of a non-physical nature that is severe or pervasive, including, but not limited to, intimidation, threats, and coercion.
 - v. Physical Harm – Physical harm, intent to physically harm, and/or other physical conduct, which is severe or pervasive.
 - vi. Bullying – On going and deliberate misuse of power in relationships through repeated verbal, physical and/or social behavior that intends to cause physical, social, and/or psychological harm.
- J. Hazing – Notre Dame College prohibits hazing as defined in this policy. The College will investigate and respond to all reports of hazing as outlined in this policy. Hazing is defined as doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse as defined in Ohio Rev. Code Sec. 3719.011. The expressed or implied consent of the victim does not exempt those who violate this policy. Examples of hazing include, but are not limited to the following:
- i. Forced or required consumption of any food, liquor, beverage, drug, or other substance.
 - ii. Paddling in any form.
 - iii. Creation of excessive fatigue.
 - iv. Physical, emotional, or mental distress.
 - v. Wearing apparel that is conspicuous, inappropriate, or distasteful.

- vi. Engaging in public stunts.
- vii. Morally degrading or humiliating games and activities.
- viii. Failure to report any observed hazing incident, or improper activity believed to be in violation of the hazing policy.
- ix. 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.
- x. Any organization that does not comply with any mandatory hazing prevention training as required by the Division of Student Affairs.

This policy applies to behavior that occurs on or off campus or at a non-sanctioned event, between two or more people who are affiliated with the College, or any student or other organization associated with the College. Hazing is a serious offense of the Student Code of Conduct and is, therefore, subject to the full range of sanctions outlined in the Code of Conduct. In addition, other educational activities may be required as conditions of the sanction. The organization involved with the hazing may be subject to other outcomes in accordance with the applicable outside constituents or group in which the students is involved or their governing bodies. Dismissal, suspension, fines, or education could be required of that organization if found in violation of the hazing policy. In addition, hazing is a violation of Ohio law, and may lead to criminal charges and penalties.

Notre Dame College will enforce this policy by following the procedures outlined in the Notre Dame College Student Handbook. In the event a formal conduct charge is made against an organization, the national or oversight organization, if any, shall be notified. Criminal investigations resulting from a report to law enforcement will be handled by the appropriate law enforcement agency.

Reporting Obligations and Contact Information.

Students, faculty, staff, volunteers, and others in the campus community should report any alleged hazing violations to the Office of Student Conduct at studentconduct@ndc.edu or the Dean of Students at dgcgill@ndc.edu. Individuals may also report hazing by contacting any of the following:

Notre Dame College Police – 216-373-5212 or jgrecol@ndc.edu

This policy will be publicly available on Notre Dame College’s website and a copy of the policy will be provided to each organization. This policy follows The Ohio Anti-Hazing Act, also known as Collin’s Law.

- K. Identification Cards and Keys – ID can be obtained in the Offices Services office, which is in the mailroom (ground floor of the administration building). All students must always carry their ID card. If you lose your ID you will need to go to the Mailroom to get a replacement ID. Replacement IDs are \$30.00. Mailroom hours are Mon-Fri 10am-noon, 3-5pm.

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.
- iii. Tampering with a door in any way to allow its use without a key
- iv. Using an ID card or key that has been given with permission for any other use than what it was given for

- L. 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.
- M. 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.
- N. Residence Life Policies – Residence Life policies are included in section 11 of the handbook and can also be found on the residence life web page at <https://www.notredamecollege.edu/student-life/residence-life/>
- O. Sexual Misconduct – The Title IX policy is located in a separate section. Please look at <https://www.notredamecollege.edu/student-life/student-life-resources/title-ix/>
- P. 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), vape pens, smoking apparatuses, etc.
- Q. Solicitation – Solicitation on campus is prohibited unless given consent from the Dean of Students 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.
- R. 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.
- S. Unauthorized Entry – Unauthorized entry includes:
- i. Breaking and/or entering any unauthorized building or room on campus.
 - ii. Unauthorized use of a college key or access device.
- T. 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 Dean of Students or Director of Print and Digital Communications. Violations of this policy include, but are not limited to:
- i. Failure to receive consent to use the College name/ logo.

- U. 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.
- V. 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.

14. **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. Please note that Title IX conduct proceedings follow a slightly different procedure that is mandated by the federal government. Please see the Title IX section of this handbook for more information on those specific proceedings.

A. Role of Administrators in the Conduct System

- i. The Assistant Dean of Students, or designee, is responsible for the administration of the College conduct system and is empowered to adjudicate all alleged policy violations.
- ii. The Student Advocate for the Conduct Process, 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 Assistant Dean of Students, or designee, will facilitate all the proceedings during a hearing. This individual will not be a participant in determining responsibility or sanctions.
 - 2. The Student Advocate for the Conduct Process, 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 Student Advocate for the Conduct Process 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 3rd 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 Assistant Dean of Students.
- 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 Assistant Dean of Students, 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 if 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. The Dean of Students makes all decisions regarding an interim suspension.

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. Students will be notified of their scheduled hearing, at minimum, 72 hours in advance.
- iv. The initial hearing will generally be held no less than three, 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 Assistant Dean of Students, or designee.
 1. Conduct hearings will not be scheduled during a student's class time.
 2. Conduct hearings will not be scheduled around any other considerations, except for medical illness (with doctor's note), athletic competition, or family emergency.
- v. Prior to the hearing, students will be offered a pre-scheduled meeting with the Student Advocate for the Conduct Process to receive clarification on the student conduct process and/or the alleged policy violations.

- vi. 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 Assistant Dean of Students and Student Advocate for the Conduct Process, 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 Dean of Students who will work with the Director of Academic Access and Disability Services.
 - 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 page 30 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, Assistant Dean of Students, and Student Advocate for the Conduct Process, or designees.
- v. Conduct hearings shall be conducted in private.
- vi. In cases involving more than one student, the Assistant Dean of Students, 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. Records are protected under FERPA.
- 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. If individuals or college offices need to know of a student's sanctions, the Assistant Dean of Students, 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 to 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 and interventions 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. Suspension from the College – separation from the College for a designated period of time.
 - 3. Expulsion from the College – permanent and complete separation from the College.

4. 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.
 5. Counseling – a referral to the College Counseling Center or outside counselors.
 6. Restitution – compensation for loss, damage, or injury.
 7. Parental Notification – Parents/guardians of a student may be notified of a policy violation.
 8. Fines. A financial order that discourages prohibited conduct in regard to college policy.
 9. Discretionary – Work assignments or community service related to the specific violation.
 10. Warnings – A written notice that a continuation or repetition of prohibited conduct, within a specific period of time, will be grounds for more serious disciplinary action.
- 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 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 Assistant 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.

15. Title IX Policy and Procedures for Title IX Discrimination and Sexual Harassment

I. Title IX Generally

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex, including sex-based harassment and violence, in any federally funded education. Notre Dame College (“NDC” or “the College”) is an academic institution that, in accordance and full compliance with federal, state, and local laws, does not discriminate on the basis of sex. NDC does not knowingly support or patronize any organization that engages in unlawful discrimination on the basis of sex.

All NDC proceedings under this policy are conducted in compliance with the requirements of Title IX, the Clery Act as amended by the Violence Against Women Act, the Family Educational Rights and Privacy Act (FERPA), and state and federal law, as may be applicable. No information shall be released from such proceedings except as required or permitted by law and College policy.

II. Title IX Non-Discrimination Policy and Procedures

NDC is committed to fostering a climate free from discrimination on the basis of sex. This policy is strictly enforced by NDC, and alleged violations receive prompt and equitable attention and appropriate corrective action. NDC takes steps to eliminate sex discrimination, to prevent the recurrence of sex discrimination, and to remedy the effects of sex discrimination, as appropriate.

Discrimination occurs when a behavior or policy has the same purpose or effect of restricting or denying an individual’s or group’s access to opportunities, programs, or resources, on the basis of sex, in a manner that interferes with an individual’s working, academic, residential, or social environment or athletic participation or performance. NDC will not, on the basis of sex:

- Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- Deny any person any such aid, benefit, or service;
- Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;
- Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or services to students or employees;
- Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

Discrimination on the basis of sex in employment is permissible in situations where sex is a bona fide occupational qualification reasonably necessary to the normal operation of NDC. Note that the federal regulations regarding Title IX include certain exceptions, such as single-sex housing, athletic participation, and chorus participation, that do not constitute discrimination on the basis of sex.

Individuals who believe they may have witnessed or been subjected to discrimination on the basis of sex are encouraged to make a report with the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person who has been subject to the conduct that constitutes sex discrimination or sexual harassment. This could be done in person, by mail, by telephone, or by electronic mail using the contact information

listed below. Such a report can be made at any time (including during non-business hours) by using the telephone number, email address, or by sending mail to the office address listed below.

Judy West, Title IX Coordinator/Director of Human Resources

Location:

Notre Dame College
4545 College Road
South Euclid, OH 44121-4293

Phone Number: 216-373-6396

Email: jwest@ndc.edu

Chris Gill, Deputy Title IX Coordinator/Dean of Students

Location:

Notre Dame College
4545 College Road
South Euclid, OH 44121-4293

Phone Number: 216-373-5181

Email: dcgill@ndc.edu

Inquiries and complaints regarding the application of Title IX may also be made to the U.S. Department of Education at:

Office for Civil Rights, Cleveland Office
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115
216-522-4970, 216- 522-2573 (fax), OCR.Cleveland@ed.gov

A. Grievance Procedure for Resolution of Sex Discrimination Complaints

Any student, faculty member, or employee who feels they have been the victim of discrimination on the basis of sex may report the matter to the Title IX Coordinator identified in this Policy. The Title IX Coordinator, or their designee, will conduct a prompt and thorough investigation of the reported discrimination. This investigation will be documented, and a determination will be made as to whether the reported discrimination occurred, using the preponderance of the evidence standard. When the investigation has been completed and a determination has been made, the parties will receive written notice of the determination.

In addition to addressing complaints against a particular party, the Title IX Coordinator also addresses concerns raised that College policies or practices may discriminate on the basis of sex, gender, gender identity, gender expression, or sexual orientation. The Title IX Coordinator conducts an assessment of such concerns and, using procedures the Title IX Coordinator determines to be appropriate given the circumstances, works with the College to ensure that its policies and practices are compliant.

III. Title IX Sexual Harassment Policy and Procedures

NDC is committed to fostering a climate that is free from harassment on the basis of sex. This policy is strictly enforced by NDC, and alleged violations receive prompt attention and appropriate corrective action. NDC takes steps to eliminate Title

IX Sexual Harassment, as that term is defined below, and to remedy the effects of discrimination, as appropriate. All forms of prohibited Title IX Sexual Harassment are explained in greater detail, below.

The term “harassment” may mean different things, depending on the context and conduct at issue. For this reason, different types of harassment are subject to different policies and procedures. This Policy applies to “Title IX Sexual Harassment” in an education program or activity of NDC against a person in the United States. “Education program or activity” includes locations, events, or circumstances over which NDC exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

Complaints regarding Title IX Sexual Harassment under this Policy should be brought to the Title IX Coordinator. The Title IX Coordinator has also been designated to handle inquiries regarding this Policy:

Judy West, Title IX Coordinator/Director of Human Resources

Location:

Notre Dame College
4545 College Road
South Euclid, OH 44121-4293

Phone Number: 216-373-6396

Email: jwest@ndc.edu

Chris Gill, Deputy Title IX Coordinator/Dean of Students

Location:

Notre Dame College
4545 College Road
South Euclid, OH 44121-4293

Phone Number: 216-373-5181

Email: dcgill@ndc.edu

Inquiries and complaints regarding the application of Title IX may also be made to the U.S. Department of Education at:

Office for Civil Rights, Cleveland Office

U.S. Department of Education

1350 Euclid Avenue, Suite 325

Cleveland, OH 44115

216-522-4970, 216- 522-2573 (fax), OCR.Cleveland@ed.gov

A. Who May Use These Reporting and Grievance Procedures

Any member of the NDC community who has experienced sexual or physical assault is encouraged to immediately seek medical assistance, contact law enforcement to make a report, and make a report to NDC.

The Grievance Procedures outlined in this Policy provide for the prompt and equitable resolution of Title IX Sexual Harassment complaints by all members of the NDC community, including students, employees, consultants, vendors, independent contractors, applicants for admission or employment, guests, visitors, and third parties, who are participating in or attempting to participate in the education program or activity of NDC.

B. Jurisdiction

NDC has jurisdiction to address conduct that constitutes Title IX Sexual Harassment under this Policy, and occurs within NDC’s educational programs or activities within the United States. For the purposes of this Policy, NDC’s “educational programs or activities” includes all of the following: (1) the operations of the College, (2) locations, events, or circumstances over which NDC exercises substantial control over both the respondent party and the context in which the Prohibited Conduct occurred, and (3) buildings that are owned or controlled by student organizations officially recognized by NDC.

NDC maintains the right to respond to Title IX Sexual Harassment as defined by this Policy that falls outside the jurisdiction described in the preceding paragraph. Depending on the conduct at issue, the Student Handbook or Employee Handbook may apply.

C. Prohibited Conduct Covered by These Grievance Procedures – “Title IX Sexual Harassment”

There are six types of Prohibited Conduct that qualify as “Title IX Sexual Harassment,” each of which is defined more specifically below: (1) *quid pro quo* sexual harassment, (2) unwelcome conduct sexual harassment, (3) sexual assault, (4) dating violence, (5) domestic violence, and (6) stalking on the basis of sex. The definitions used here are mandated by federal regulations.

For reported behavior to qualify as Title IX Sexual Harassment under this Policy, in addition to meeting the elements of the specific type of sexual harassment below, it must meet all of the following threshold requirements, as determined by the Title IX Coordinator and as mandated by federal regulations:

- The conduct must have occurred against a person in the United States.
- The conduct must have occurred within the College’s education program or activity. For purposes of this provision, this means that the conduct must have occurred either (a) in a location, event, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs or (b) in relation to a building owned by a student organization that is officially recognized by the College.
- The complainant must be participating in or attempting to participate in the education program or activity of the College at the time the formal complaint is filed.

1. Types of Title IX Sexual Harassment:

a. Quid Pro Quo Sexual Harassment

“Quid pro quo sexual harassment” is conduct on the basis of sex where a College employee conditions the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct.

b. Unwelcome Conduct Sexual Harassment

“Unwelcome conduct sexual harassment” is conduct on the basis of sex that is unwelcome and determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity.

c. Sexual Assault

“Sexual assault” is conduct on the basis of sex that is defined as a forcible or non-forcible sex offense, or attempted forcible or non-forcible sex offense, as classified under the Uniform Crime Reporting system of the FBI. This includes six separate categories, each of which is considered a form of sexual assault:

- (i) *Rape* is defined as the carnal knowledge of a person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Carnal knowledge is defined as the slightest penetration of the sexual organ of one person by the sexual organ of the other.
- (ii) *Sodomy* is defined as oral or anal sexual intercourse with another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- (iii) *Sexual Assault With An Object* is defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the complainant.
- (iv) *Fondling* is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- (v) *Incest* is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Ohio, Revised Code Section 3101.01(A) provides that individuals nearer of kin than second cousins may not marry.
- (vi) *Statutory rape* is defined as sexual intercourse with a person who is under the statutory age of consent. In Ohio, Revised Code section 2907.02(A)(1)(b) provides that no person may have sex with a child under the age of thirteen. Ohio Revised Code Section 2907.04(A) provides that no person over the age of eighteen may have sex with a child under the age of sixteen.

d. Dating Violence

“Dating violence” is conduct on the basis of sex that consists of violence committed by a person who is or has been in a romantic or intimate relationship with the complainant. The existence of such a romantic or intimate relationship is determined by the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship.

e. Domestic Violence

“Domestic violence” is conduct on the basis of sex that consists of a felony or misdemeanor crime committed by:

- (a) A current or former spouse or intimate partner of the victim,
- (b) A person with whom the victim shares a child in common,
- (c) A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- (d) A person similarly situated to a spouse of the victim under the domestic/family violence laws of the jurisdiction
- (e) Any other person against an adult or youth victim who is protected from that person’s acts under the domestic/family violence laws of the jurisdiction.

f. Stalking

“Stalking” is conduct on the basis of sex that consists of engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person’s safety or the safety of others; or (B) suffer substantial emotional distress.

For purposes of the definition of Stalking under this Policy:

- A “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- A “reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking that is *not* based on sex, but otherwise meets the definition above, is addressed in the Student Handbook and the Employee Handbook.

D. Retaliation Prohibited

Neither NDC nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing provided for in this Policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation. Complaints alleging retaliation may be filed by students using the student complaint process found in the Student Handbook. Employees and faculty allegations of retaliation should be made to the Director of Human Resources. Any member of the NDC community who commits retaliation will be subject to prompt and appropriate disciplinary action under other student, employee, and faculty conduct procedures.

An individual who brings a complaint under this Policy in good faith, even if it may be erroneous, will not be subject to discipline. However, the use of this policy for false, malicious, or frivolous purposes is strictly prohibited. NDC’s decision to charge an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this provision.

E. Resources for Assistance

Individuals who believe they have experienced Title IX Sexual Harassment under this Policy have multiple resources available to assist them with their needs, both on and off campus. Some resources are confidential, in that they are not required to report Title IX Sexual Harassment to anyone, including NDC or law enforcement. Other resources may have an obligation to report to NDC or law enforcement. More information on available resources is below.

1. Confidential Resources

Confidential resources are those resources that are not required to report information about Title IX Sexual Harassment to NDC. Confidential resources include individuals who are clergy and who are acting in that role, persons providing medical

or psychological treatment, and counselors. Rape crisis counselors are also considered confidential resources. For on-campus confidential assistance, please contact:

- NDC Counseling Center, located in Connelly Center, at (216) 373-5387, or at ndcounseling@ndc.edu.
- Clergy
 - Fr. John Blazek – (216) 570-9276 (cell)
- Cleveland Rape Crisis Center
 - Call or text CRCC 24-hour Crisis and Support Hotline at (216) 619-6192 or (440) 423-2020
 - Request an appointment online at: <https://clevelandrapecrisis.org/contact/request-an-appointment>
 - Chat online [here](#) to learn more about counseling and/or advocacy available to you on campus or at the main office downtown

Off-campus confidential resources include the following:

- National Sexual Assault Hotline – 1-800-656-HOPE (4673)
- National Domestic Violence Hotline – 1-800-799-7233
- Ohio Sexual Violence Helpline – 1-844-OHIOHELP (1-844-644-6435)
- Ohio Hispanic Coalition Domestic Violence 24 Hour Hotline (614) 840-9934 (Spanish and English)
- Cleveland Rape Crisis Center- (216)-619-6192
- Medical care options in your community, including:
 - UH Suburban Health Center in South Euclid, Ohio – (216) 382-9492
 - Hillcrest Hospital in Mayfield Heights, Ohio- (440)-312-4500
- R.A.I.N.N.- 1-800-656-4673

Limited Confidential Resources:

Limited confidential resources can generally talk to an reporting party without revealing any personally identifying information about an incident to the College. They will only share information such as the date, time, location, and nature of an incident, for reporting purposes.

- NDC Campus Ministry
 - Staff
 - Ted Steiner – (216) 373-5387
 - Anita Hooley Yoder – (216) 373-6375
 - Mikel Mahoney – (216) 291-2916 (cell)

Seeking medical care quickly after a sexual assault may help to preserve forensic evidence that may be unavailable if there is a delay of more than a few days. While an individual may not wish to make a criminal report at that time, the evidence would then be available should the individual choose to pursue criminal charges in the future. Medical information is not available to NDC without a release from the patient.

Note that there are limits to confidentiality. Confidential resources are required to report child abuse or neglect to Children's Services or local law enforcement. Medical professionals may also have certain legally mandated reporting responsibilities in certain serious cases, although depending on state law, the reporting requirement may only require that the professional share the date, general time, and general location of the incident. Mental health professionals are required to disclose information where there is an imminent threat of harm to self or others. Finally, pursuant to the Clery Act, anonymous statistical information for certain offenses that have been reported as occurring at campus locations must be shared with Campus Security. The information does not include the names or any other identifying information about the persons

involved in such incidents. If employees have questions about their reporting obligations involving minors or other reporting obligations under this Policy, they are expected to contact the Title IX Coordinator immediately.

2. Other Resources

All NDC employees other than the Director of Spiritual Formation are required to report information about suspected Title IX Sexual Harassment to the Title IX Coordinator, who will contact the reporter to offer the opportunity to discuss the matter, seek interim protective measures, and ensure they understand their options under this Policy. While most NDC employees are not able to keep information confidential, they do keep information private and share only with those who need to know the information.

The following officials at NDC are considered to be officials of NDC who have authority to institute corrective measures on behalf of NDC: the President, Provost, Athletic Director, Title IX Coordinator, Dean of Students, Director of Student Conduct, Director of Human Resources, and the Chief of Campus Security. Any and all reports made to these officials will trigger a reasonably prompt response from the Title IX Coordinator that is reasonable in light of the known circumstances.

Note that under Ohio law, all individuals have the obligation to report felonies to law enforcement. (This does not include the confidential resources listed above.) More information on involvement with law enforcement can be found below.

The following non-confidential resources are available on campus:

Judy West, Title IX Coordinator/Director of Human Resources

Location:

Notre Dame College
4545 College Road
South Euclid, OH 44121-4293

Phone Number: 216-373-6396

Email: jwest@ndc.edu

Chris Gill, Deputy Title IX Coordinator/Dean of Students

Location:

Notre Dame College
4545 College Road
South Euclid, OH 44121-4293

Phone Number: 216-373-5181

Email: dcgill@ndc.edu

NDC Campus Police and Safety

Phone: (216) 373-5212

Online Complaint Form: <https://www.notredamecollege.edu/resources-and-services/campus-safety-and-security/citizen-complaint-form/>

In addition to providing information about this Policy, the Title IX Coordinator can provide information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for individuals as appropriate, regardless of where the Title IX Sexual Harassment occurred.

3. Law Enforcement

Any individual who believes that they have been the victim of criminal activity may contact NDC Campus Safety at (216) 373-5212 to contact the appropriate local law enforcement agency. In an emergency, individuals should dial 911 before contacting Campus Safety. Contacting law enforcement does not require that the individual press criminal charges.

Law enforcement is not a confidential resource. Reports filed by law enforcement may constitute public records that must be released under state law. However, reports made to law enforcement may help to preserve evidence, particularly in cases of sexual assault, that would be available if an individual should choose to pursue criminal charges at a later time. Law enforcement may also encourage a medical examination and/or the collection of a “rape kit” to preserve relevant evidence for an investigation.

An individual may choose whether to pursue criminal charges, to seek assistance through this Policy, both, or neither. NDC will cooperate with investigations by law enforcement and may, at the request of law enforcement, briefly delay any concurrent investigation by NDC. However, NDC does not defer to law enforcement’s findings in lieu of administering this Policy.

F. Definitions

The following terms are defined for purposes of this Policy:

Coercion. Coercion is defined as unreasonable pressure for sexual activity that effectively makes their participation in the sexual activity involuntary. 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. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity. Consent cannot be obtained by coercion.

Complainant. An individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment.

Consent. Consent is defined as clear, knowing, and voluntary words or actions, which give permission for specific sexual activity.

- Consent is active, not passive.
- 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.
- Silence, in and of itself, cannot be interpreted as consent.
- Consent to any one form of sexual activity does not imply consent to any other forms of sexual activity.
- Previous relationships or prior consent does not imply consent to future sexual acts.
- Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
- In order to give consent, one must be of legal age. In the state of Ohio, that age is 16.

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.

Formal Complaint. A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment and/or other forms of sexual misconduct against a respondent and requesting that the College investigate the allegations. Formal Complaints must be filed in order to pursue either an informal resolution process or a formal grievance process.

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).

- Incapacitation can occur mentally or physically, from developmental disability, or by alcohol or other drug use.
- 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.

Respondent. An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Supportive Measures. Non-disciplinary, non-punitive individualized services offered to both the complainant and respondent as appropriate, reasonably available, and without fee or charge.

Title IX Dismissal. If the conduct alleged in a Formal Complaint does not constitute Title IX Sexual Harassment, did not occur in a College education program or activity, or did not occur against a person in the United States, the College must dismiss the Formal Complaint with regard to that conduct for the purposes of Title IX Sexual Harassment. The fact that a Formal Complaint has been dismissed under this Title IX Policy does not mean that the matter is concluded. Depending on the conduct at issue, the relevant policies and procedures in the Student Handbook, Employee Handbook, and/or Faculty Handbook may apply, even after a Formal Complaint is dismissed under this Policy.

G. Grievance Process

All tasks assigned to the Title IX Coordinator under this Policy may be delegated to a designee.

Individuals who require reasonable accommodations due to a disability should consult with the Title IX Coordinator regarding appropriate accommodations for participation in the process.

1. Reporting

Individuals who believe they may have witnessed or been subjected to Title IX Sexual Harassment are encouraged to make a report with the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person who has been subject to the conduct that constitutes sex discrimination or sexual harassment. This could be done in person, by mail, by telephone, or by electronic mail using the contact information listed above. Such a report can be made at any time (including during non-business hours) by using the telephone number, email address, or by sending mail to the office address listed for the Title IX Coordinator identified in this policy.

Students will be offered amnesty for personal alcohol and drug violations that are incidental to a good faith report so as not to discourage reporting of Prohibited Misconduct.

All employees of NDC that become aware of Title IX Sexual Harassment (other than those previously designated as confidential resources), are required to make a report to the Title IX Coordinator. The person who may have been subjected to Title IX Sexual Harassment is referred to as the complainant. The person who may have committed Title IX Sexual Harassment is referred to as the respondent.

Please note that a report of sexual harassment does not automatically result in a formal investigation as defined in this Policy. The Title IX Coordinator will work to provide supportive measures, access to resources, information about formal and informal resolution procedures, and information about filing a report with the appropriate law enforcement agency, even when no formal complaint is filed or no formal investigation is initiated.

Upon receipt of a report, the complainant will be offered the opportunity for an initial discussion to give the complainant the opportunity to recount what has taken place and discuss how best to proceed. The complainant will be permitted to have an advisor of their choice during this discussion. The Title IX Coordinator will review with the complainant the College's procedures for filing a formal complaint, informal and formal resolution, the rights of the complainant, the availability of supportive measures, information relating to law enforcement reporting if appropriate, and available medical and/or counseling resources as appropriate. Options for, and available assistance in, changing academic and living situations can be discussed and provided if so requested, and if such changes are reasonably available. Except in certain serious circumstances as discussed more below, it is at all times the complainant's decision whether they will file a formal complaint, seek interim measures of protection, pursue informal resolution and/or formal resolution (including the grievance process outlined in Section III.G. of this Policy). As a result of this meeting, depending on the nature of the allegations, the Title IX Coordinator may be obligated to report the incident to law enforcement pursuant to state law.

Upon receiving a report, the Title IX Coordinator will conduct an initial assessment to evaluate whether the complaint alleges sufficient information to meet the jurisdictional and threshold requirements listed in Sections III.B and III.C.

“Supportive Measures” are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or NDC's educational environment, or deter sexual harassment.

Supportive measures may include one or more of the following:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules,
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Other similar measures

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures and shall consult with appropriate supervisors as necessary. NDC must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. For example, if a change in housing locations is determined to be necessary, the Title IX Coordinator may have to share some information with individuals responsible for Housing assignments.

If, after receipt of a complaint and an individualized safety and risk assessment, NDC determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of a respondent, NDC may remove the respondent on an emergency basis. A removed respondent will receive notice and an opportunity to challenge the decision immediately following the removal. Threats must pose more than a generalized, hypothetical, or speculative risk to health and safety for emergency removal to be appropriate.

Non-student employees may be placed on administrative leave during the grievance process. Placement on such leave is not subject to challenge.

2. Formal Complaint

After the initial discussion with the complainant described in Section A above, the complainant will be asked whether they would like to file a Formal Complaint. “Formal Complaint” is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that NDC investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an education program or activity of NDC. As noted in Section III.F. of this Policy, a Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information found in Section III of this Policy. Additionally, a “document” filed by a complainant” can be in the form of an electronic submission (such as by electronic mail or through an online portal provided for this purpose by NDC) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

If the Title IX Coordinator initiates or signs a Formal Complaint, the Title IX Coordinator will not be considered a “Complainant” as that term is defined in this Policy.

3. Informal Resolution

NDC’s Informal Resolution process involves informal consultation to find an acceptable resolution for both parties without invoking the full investigation and adjudication process described below. The informal process may include counseling the complainant on ways to address the respondent directly regarding their behavior if the complainant is comfortable doing so, counseling of the respondent by the Title IX Coordinator on changing their behavior, a facilitated discussion between the complainant and respondent, a mediated agreement between the complainant and respondent, or any other informal process that is appropriate under the circumstances.

The informal resolution process is voluntary. NDC will not require that a complainant and/or respondent participate in informational resolution and waive the right to a full investigation and adjudication of formal complaints of Title IX Sexual Harassment in order to enroll or continue to be enrolled, or be employed or continue to be employed, or enjoy any other right granted by NDC. The parties may choose to pursue a formal resolution and end the informal resolution process at any time prior to reaching a determination of responsibility.

NDC is responsible for taking the following steps prior to facilitating an informal resolution:

(1) Providing written notice to the parties of:

1. the allegations,
2. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and
3. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(2) Obtaining the parties’ voluntary, written consent to the informal resolution process.

NDC will never offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Title IX Sexual Harassment of a student.

The complainant and respondent are permitted to bring an advisor of their choosing to any discussions as part of the informal resolution process. An advisor may offer their assistance to the complainant or respondent, but may not speak for them during the process.

4. Investigation Process for Formal Complaints

A party may choose to resolve a Formal Complaint through the investigation process, provided that the Title IX Coordinator has conducted an initial assessment and determined that the jurisdiction and threshold requirements listed in Sections III.B and III.C have been met, that Title IX Sexual Harassment may have occurred, and that an investigation is appropriate.

NDC may also choose to move forward with a Formal Complaint signed by the Title IX Coordinator, as described above.

The investigation process will begin with the Title IX Coordinator appointing one or more investigators. An investigator will begin the full investigation promptly, and will conduct the full investigation in a manner that is complete, thorough and impartial.

a. Notice

NDC will provide to all known parties written notice of:

- NDC's grievance process
- The allegations of sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview ("sufficient details" include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment as defined by this Policy, and the date and location of the alleged incident, if known);
- The presumption that the respondent is not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- The parties' right to have an advisor of their choice, who may be an attorney;
- The parties' right to inspect and review evidence; and
- The date, time, location, participants, and purpose of all hearings, investigative interviews or other meetings, with sufficient time for the party to prepare to participate.

If, during the course of the investigation, additional allegations of Title IX Sexual Harassment are reported or otherwise discovered, the parties will receive notice of these additional allegations that were not included in the original notice. The obligation to notify the parties of the Title IX Sexual Harassment allegations being investigated is an ongoing one.

b. Grounds for Dismissal of Formal Complaint

If, after the initial review of the Formal Complaint by the Title IX Coordinator, it is determined that any of the following conditions exist, NDC will dismiss the Formal Complaint from the Grievance Procedures outlined in this Policy:

- The alleged conduct, if it occurred as alleged, would not constitute Title IX Sexual Harassment;
- The alleged conduct, if it occurred as alleged, did not occur in NDC’s educational programs or activities, or;
- The alleged conduct, if it occurred as alleged, did not occur against a person in the United States.

Although prior determinations on each of these issues were likely made earlier in the process, additional information may be uncovered during an investigation that requires them to be reconsidered. The Title IX Coordinator is responsible for reconsidering these issues at any point during the processes outlined in the Policy, which may result in the report of misconduct being referred to Student Conduct, Human Resources and/or being dismissed from the Grievance Procedures outlined in this Policy.

NDC may also dismiss a formal complaint or allegations therein if:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by NDC, or;
- Specific circumstances prevent NDC from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Such a dismissal does not preclude NDC from proceeding under another College conduct process.

NDC will send written notice of the dismissal and the reasons for dismissal simultaneously to all parties.

c. Investigative Interviews and Gathering of Evidence

During the investigation, both the complainant and respondent may present statements, witnesses and other evidence to the investigator. The Reporting Person (who may or may not be the complainant), the complainant (if not the Reporting Person), the respondent, and witnesses with relevant information may be interviewed as part of the full investigation. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. Follow-up interviews may be conducted by the investigator as needed. The full investigation is designed to provide a fair and reliable gathering of the facts.

NDC will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

NDC will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. A party’s communication with a witness or potential witness is considered part of a party’s right to meaningfully participate in furthering the party’s interests in the case, and not an “interference” with the investigation. However, where a party’s conduct toward a witness might constitute “tampering” (for instance, by attempting to alter or prevent a witness’s testimony), such conduct also is prohibited as retaliation.

NDC will not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless NDC obtains that party’s voluntary, written consent.

The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which NDC does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source.

Prior to completion of the investigative report, NDC will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

All evidence subject to the parties' inspection and review will be available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

d. Timeframe

NDC will attempt to complete most investigations within 90 days. The timeframe for investigations will begin upon filing of a Formal Complaint and will conclude upon distribution of the investigative report to the parties. Investigations may be delayed, and timeframes for investigations may be extended, for good cause and with written notice provided to complainants and respondents including the reason for the delay or extension. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement or civil rights enforcement activity; or the need for language assistance or accommodation of disabilities.

e. Investigative Report

The investigator will prepare an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. If a party disagrees with an investigator's determination about relevance, the party may argue relevance in their written response and/or to the decision-maker at the hearing.

f. Equitable Treatment

Complainants and respondents are eligible for Supportive Measures as defined within this Policy. NDC will not impose disciplinary sanctions against a respondent unless a determination of responsibility for sexual harassment has been made against the respondent.

NDC will conduct an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence. NDC will not require, allow, rely upon, evaluate, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected by a legally recognized privilege (e.g., attorney client), unless the person holding such privilege has waived the privilege.

g. Bias and Conflicts of Interest

Any individual designated by NDC as a Title IX Coordinator, investigator, decision-maker, or informal resolution process facilitator, must not have a conflict of interest or bias for or against complainants or respondents generally, or for or against an individual complainant or respondent. The following will not be considered evidence of bias:

- The Title IX Coordinator's initiation of a formal complaint, or;
- An individual's decision that allegations warrant an investigation.

NDC will apply an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased and will exercise caution not to apply generalizations that might unreasonably conclude that bias exists. An individual's current job title, professional qualifications, past experience, identity, or sex will not, alone, indicate bias.

Use of trauma-informed practices will not be considered evidence of bias when such practices do not:

- Rely on sex stereotypes;
- Apply generalizations to allegations in specific cases;
- Cause loss of impartiality, and;
- Prejudge of the facts at issue.

h. Presumption of Non-Responsibility

There is a presumption that a respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

i. Standard of Evidence

The standard of evidence for review of Formal Complaints under this Policy is preponderance of the evidence. “Preponderance of the evidence” is a determination based on facts that are more likely true than not. In the preponderance of the evidence standard, where the evidence in a case is “equal” or “level” or “in equipoise,” the preponderance of the evidence standard results in a finding that the respondent is not responsible.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on NDC and not on the parties.

j. Consolidation of Formal Complaints

NDC may consolidate Formal Complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment rise out of the same facts or circumstances.

k. Advisors during the Investigation

Each party will have the right to bring an advisor of their choosing to any meetings or discussions relating to the investigation of a Formal Complaint. The advisor may advise the party directly and ask clarifying questions but may not speak for the party or disrupt the investigation. If a party's advisor refuses to comply with restrictions set by NDC, NDC may require that the party use a different Advisor. This provision applies to all parts of the grievance proceeding except for the live hearing described in Section III.G.5 below. For information about the role of Advisors during the live hearing, see Section III.G.5(b).

5. Hearing

When the investigation is concluded, and the parties have had the opportunity to review the evidence and the opportunity to respond in writing to the draft investigative report as described in Section III.G.4(e), NDC will facilitate a live hearing during which each party's advisor will be permitted to ask the other party and any witnesses all relevant question and follow-up questions, including those questions that challenge credibility.

Hearings will be conducted with all parties physically present in the same geographic location or, at the discretion of NDC, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Hearing witnesses will only participate in the Hearing when they are answering questions. They will not be permitted to observe or otherwise participate in the Hearing unless they are serving as an Advisor, as outlined below in Section III.G.5(b).

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

The Title IX Coordinator will appoint a person or panel to serve as decision-maker during the hearing. The decision-maker will not be the Title IX Coordinator or the individual who investigated the Formal Complaint.

a. Pre-Hearing Conference

Each party will have their own Pre-Hearing Conference with the decision-maker prior to the hearing. The Title IX Coordinator or decision-maker will communicate to the parties and their advisors the date, time, and format for their Pre-Hearing Conference. The decision-maker and the advisor must be in attendance. While the parties are strongly encouraged to attend, they are not required to do so.

During the Pre-Hearing Conference, the advisors must share with the decision-maker their list of witnesses to appear at the hearing, the identity of any requested witnesses that were not questioned during the investigation, the request for any new evidence to be considered that was not submitted previously to the investigators, and the availability of the advisor and the party for hearing dates.

Evidence and witnesses may only be presented at the hearing if they were submitted to the investigators and made available to the parties for review, unless they were unavailable at the time of the investigation or the relevance was unknown until

the investigative report was submitted. The decision-maker will address any requests to present new evidence and new witnesses at the Pre-Hearing Conference.

The advisor is strongly encouraged to discuss lines of questioning with the decision-maker at the Pre-Hearing Conference to obtain guidance from the decision-maker on relevancy prior to the hearing. Additionally, the decision-maker will discuss the expectations and guidelines for appropriate behavior and decorum during the hearing.

After the conclusion of the Pre-Hearing Conferences, the Title IX Coordinator or decision-maker will provide each party and their advisor with written notice of the date, time, and manner for the hearing, which will typically occur no less than 10 business days after the conclusion of the final Pre-Hearing Conference.

b. Advisors at Hearings

In order to question a party or witness at a hearing, a party must be accompanied by an Advisor. Parties will not be permitted to conduct cross-examination on their own. NDC will not limit the choice or presence of any advisor for a complainant or respondent, and the advisor of their choice may be, but is not required to be, an attorney. If a party does not have an advisor present at the live hearing, NDC will provide without fee or charge to that party, an advisor of NDC's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

At the live hearing, the decision-maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. All questioning at the live hearing must be relevant, respectful, and non-abusive. No party will be "yelled" at or asked questions in an abusive or intimidating manner. If a party's advisor refuses to comply with restrictions set by NDC, NDC may require that the party use a different Advisor.

c. Relevance

During the hearing, only relevant cross-examination and other questions may be asked of a party or witness.

The following may be considered irrelevant:

- Repetition of the same question;
- Evidence that is duplicative of other evidence;
- Questions related to information that is protected by a legally recognized privilege;
- Questions related to a party's medical, counseling/psychological, and similar treatment records unless the party has given voluntary, written consent; and
- Questions related to information about the complainant's sexual predisposition or prior sexual behavior, unless:
 - The information is offered to prove that someone other than the respondent committed the alleged Title IX Sexual Harassment, or
 - The information concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

During the hearing, the decision-maker will first determine whether a question is relevant, and explain any decision to exclude a question as not relevant, *before* a complainant, respondent, or witness answers a cross-examination or other question.

d. Weighing Credibility

The decision-maker will evaluate all admissible, relevant evidence for weight or credibility. The degree to which any inaccuracy, inconsistency, or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the decision-maker, after having the opportunity to ask questions of parties and witnesses, and to observe how parties and witnesses answer the questions posed by the other party. Corroborating evidence is not required.

Credibility determinations are not based solely on observing demeanor, but also are based on other factors (e.g., specific details, inherent plausibility, internal consistency, corroborative evidence). Cross-examination brings those important factors to a decision-maker's attention.

A party's answers to cross-examination questions can and should be evaluated by a decision-maker in context, including taking into account that a party may experience stress while trying to answer questions. Parties will not be unfairly judged due to inability to recount each specific detail of an incident in sequence, whether such inability is due to trauma, the effects of drugs or alcohol, or simple fallibility of human memory.

e. Decision

The decision-maker must objectively evaluate all relevant evidence, both inculpatory and exculpatory, and must independently reach a determination regarding responsibility without giving deference to the investigative report. The decision-maker has the right and responsibility to ask questions and elicit information from parties and witnesses on the decision-maker's own initiative to aid the decision-maker in obtaining relevant evidence, both inculpatory and exculpatory. The parties will have equal rights to present evidence in front of the decision-maker so the decision-maker has the benefit of perceiving each party's unique perspectives about the evidence.

If a party or witness does not submit to cross-examination at the live hearing, the decision-Maker is permitted to consider prior statements of the party or witness in reaching a determination regarding responsibility, however, in analyzing whether there is a policy violation, the decision-Maker will give appropriate weight to statements not subject to cross examination. The decision-Maker will provide a written determination of assessment of appropriate weight given to such statements based on standards for weighing credibility found within this policy. The decision-Maker/Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Video evidence showing the conduct alleged within a complaint may be considered, even if the party does not submit to cross-examination. A respondent's alleged verbal conduct, that itself constitutes the sexual harassment at issue, is not considered the respondent's statement, and constitutes part or all of the underlying allegation of sexual harassment itself.

After the hearing, the decision-maker will issue a written determination of responsibility. This determination will include:

- Identification of the allegations potentially constituting Title IX Sexual Harassment
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;

- A statement of, and rationale for, the result as to each allegation, including:
 - a determination regarding responsibility,
 - any disciplinary sanctions NDC imposes on the respondent,
 - whether remedies will be provided by NDC to the complainant; and
- NDC's procedures and permissible bases for the complainant and respondent to appeal.

The determination will lay out the evidentiary basis for conclusions reached in the case. The nature of remedies, if any, will not be included within the determination. The determination will be provided to the parties simultaneously, within a reasonable time after the hearing, which is typically within 10 business days, unless the decision-maker determines that additional time is needed to make a decision.

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

f. Sanctions and Remedies

The following sanctions may be imposed upon students who are found to have violated this Policy:

- Education
- Residence Hall Suspension
- Suspension from the College
- Expulsion

Sanctions that may be imposed include:

- Continuing “no contact” orders;
- Trespass order prohibiting presence on campus, at NDC-owned facilities, and/or at campus activities or events;
- Required counseling;
- Alcohol/drug assessment;
- Campus Restriction on behavior, access to certain campus facilities, participation in campus activities, housing restrictions, and/or scheduling restrictions;
- Social Probation
- Written warning of employee;
- Suspension of employee, with or without pay;
- Termination of employment; and
- Cancellation of third-party contract.

When a determination of responsibility for Title IX Sexual Harassment has been made, NDC will provide remedies to a complainant designed to restore or preserve equal access to NDC’s education program or activity. Such remedies may include the same individualized services provided as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent after a determination of responsibility for Title IX Sexual Harassment has been made. The Title IX Coordinator is responsible for effective implementation of remedies. Where the final determination has indicated that remedies will be provided, the complainant can then communicate separately with the Title IX Coordinator or their designee to discuss what remedies are appropriately designed to preserve or restore the complainant’s equal access to education. Remedies for a complainant which do not affect the respondent must not be disclosed to the respondent.

6. Appeals

Complainants and respondents may appeal the decision-maker’s determination regarding responsibility within five (5) business days from the date of the written determination described in Section III.G.5.d of this Policy. Complainants and respondents may also appeal NDC’s dismissal of a Formal Complaint or any allegations therein within five (5) business days from the date of the written notice of dismissal described in Section III.G.4.b of this Policy. NDC will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The non-appealing party will have five (5) business days from the date of the written notice of the appeal to submit a written statement in response to the appeal.

Grounds for appeal include:

- Procedural irregularity that affected the outcome of the matter

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

All grounds for appeal will be available to all parties.

The decision-maker for the appeal will not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator. The decision-maker for the appeal will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties within 5 business days of the date the non-appealing party's written response to the appeal is received.

7. Record-Keeping

NDC will retain all records of each investigation instituted under this policy for seven (7) years. Records will include all documents, recordings, or transcripts from investigations, hearings, appeals, and informal resolutions. The first date of the first record created by NDC will begin the seven year retention period. Records will be maintained for all investigations including investigations that have been dismissed, completed, or otherwise resolved.

NDC will also maintain and publish on NDC's website training materials of employees who serve as Title IX Coordinators, investigators, decision-makers, and persons who facilitate information resolutions.

8. Education and Training

NDC conducts annual training on sexual harassment, sexual misconduct, dating violence, domestic violence, and stalking for all faculty, staff, and Board of Trustee members. Students are provided with various training opportunities, and all student athletes receiving training on Title IX.

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive training on the definition of sexual harassment, the scope of NDC's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Decision-makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Training materials for training under this section will be made publicly available through NDC's website.

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

16. ADDITIONAL INFORMATION

- A. 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 Dean of Students or designee.

In addition, as an accredited institution of higher education through the Higher Learning Commission (HLC), students, faculty, staff, and members of the public may submit a complaint about any HLC accredited institution. The link for an HLC complaint can be found here <https://www.hlcommission.org/Student-Resources/complaints.html>.

I. Policy Definitions

- i. 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.
- ii. 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

- i. 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.
- ii. Step 2 – Document and share the documentation with the supervisor who oversees the area in which the concern exists.

III. Complaint Policy and Procedure

- i. 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.
- ii. Step 2 – If no resolution is reached in Step 1, the student may request assistance in the form of informal mediation from the Dean of Students or may request to move into formal resolution (Step 3).
- iii. Step 3 – Formal resolution: Formal documentation of the complaint and steps taken to date are 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 Dean of Students 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.

B. Self-Defense Policy

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 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.

C. Amnesty Policy

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.

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.

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.

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.

D. 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.

E. 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. A student has 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. A student has 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. A student has 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.

17. Alcohol & Drug Policies and Procedures

Overview

Notre Dame College is committed to fostering an environment which encourages “personal, professional and global responsibility” (mission statement) and a corresponding respect for federal, state, and local laws as well as for institutional regulations. Notre Dame expects faculty, staff, and students to meet appropriate standards of performance, to observe basic rules of good conduct, and to comply with NDC policies and procedures. This policy shall be communicated to faculty/staff members and students annually through inclusion in the faculty, staff, and student handbooks, respectively.

NDC supports and complies with the provisions of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226) and Chapter 3719 of the Ohio Revised Code. In the discharge of its responsibilities as an employer and institution of higher education, NDC aggressively promotes and requires a drug-free workplace among its faculty, staff, and students. Unlawful possession, use, and/or distribution of drugs and alcohol on campus or as part of NDC activities is strictly prohibited.

In accordance with the Drug-Free Schools and Communities Act Amendments of 1989, all NDC employees and students must, as a condition of employment and/or enrollment, (i) abide by NDC’s policy on controlled substances and (ii) inform NDC within five (5) days after any conviction of a drug or alcohol statute. Each employee or student convicted for felony and/or misdemeanor drug violations of a criminal drug statute will be subject to strong disciplinary action up to and including termination of employment and/or enrollment. Likewise, the college retains the right to make referrals for prosecution by the proper authorities in instances where violations of local, state, or federal standards of conduct have occurred.

Students desiring information about drug and alcohol counseling, treatment or rehabilitation programs that are available should contact the Counseling Center. Employees that want more information about resources available to them should contact Human Resources.

Employee’s Responsibilities

Notre Dame College has a vital interest in maintaining a safe, healthful, and productive workplace and educational environment. The College recognizes that the possession, use or distribution of controlled substances in or around the College presents a threat to the health, safety, and productivity of our employees. Therefore, the College has established the following policy.

The actual or attempted manufacture, distribution, dispensation, sale, purchase, transfer or unauthorized possession of alcohol or any controlled substance by any employee while on the College’s premises is prohibited. Compliance with this policy is a condition of employment and any employee who engages in any such conduct will be subject to criminal prosecution to the full extent of applicable federal, state, and local laws. In addition, the Controlled Substances Act, 21 U.S.C. 845a, makes it a federal crime to distribute, possess with the intent to distribute or manufacture a controlled substance within 1000 feet of a school or college punishable by double the sentence that would apply if the crime occurred elsewhere.

The consumption or use of alcohol (except the moderate consumption of alcohol at college-sponsored events where the use of alcohol is approved by the College) or any non-prescription controlled substance by any employee while on the College’s premises or while on college-sponsored business and supervising or monitoring any of the College’s students is prohibited. Reporting to work, either at the beginning of the employee’s work shift or following any break or being on college property while under the influence of alcohol or any non-prescription controlled substance by any employee is prohibited. The illegal use of prescription drugs while on duty, while on college property, while on college-sponsored business or while supervising or monitoring any of the College’s students is also prohibited. Compliance with this policy

is a condition of employment. Any employee who engages in such prohibited conduct will be subject to disciplinary action up to and including termination.

Any employee who is convicted of a violation of any criminal drug statute occurring on the College's premises must notify the College no later than five (5) days after such conviction. Such employee will be subject to discharge. If your job duties include driving either your own or a college vehicle, you must report any DUI's on or off-duty no later than 24 hours after arrest.

Employees can obtain information concerning drug and alcohol counseling, treatment, and rehabilitation resources from Human Resources.

Student's Responsibilities

Notre Dame seeks to foster an atmosphere which builds upon the mission of educating students for personal, professional, and global responsibility. This becomes even more important when talking about the use of alcohol, and the negative affects it could have if abused. This policy places major responsibility on students which is at the heart of what an educational institution must educate students to embrace. The responsible student, regardless of age, will:

- Make an informed decision about choosing to consume alcohol.
- Know, understand, and conform to federal, state, and local laws and adhere to Notre Dame regulations on alcohol use.
- Assume accountability for one's behavior (and those of guests) and accept the consequences of all actions.
- Not pressure other students to consume alcohol, whether directly or indirectly.
- Not pressure other students to engage in sexual activity when either or both have been consuming alcohol.
- Not behave in a way that is disruptive or otherwise harmful to self or others, including times when this behavior is related to alcohol consumption.
- Show care and concern for students whose use of alcohol may be damaging to themselves or the community and refer to Residence Life, Student Affairs, Counseling Center, any faculty, or staff member for additional assistance.

Assistance

Notre Dame recognizes substance abuse and/or chemical dependency as an illness that can be treated. Notre Dame will provide any student having a problem with alcohol or other drugs the same careful consideration and offer of support, treatment or referral that is extended to students with any other illness. A student is considered to have an alcohol or drug abuse problem when the student's behavior, academic performance and/or personal health is at risk. Students who seek counseling or treatment for an alcohol or other drug use problem will not be subject to disciplinary action because of said counseling or treatment. Further, no record of such treatment or counseling will be used in any way to place the student in jeopardy at a future time; counseling records are the property of the Counseling Center and are not part of students' Notre Dame education records. Students may be provided support for substance abuse at the college depending on the necessary level of care determined during an assessment and will be referred to outside agencies as clinically indicated.

Medical Amnesty

Students should seek professional medical help when there is an alcohol or drug related medical emergency. To encourage such action, disciplinary action may not be taken if campus staff or local emergency services are contacted for assistance. Medical amnesty applies to the person in need of medical assistance and to those who seek the medical assistance. Amnesty may be granted only after the persons involved meet with the dean of students or her/his designee to discuss the incident. Other consequences – education, treatment, parental notification – may be required. Failure to complete educational assignments or treatment recommendations will result in disciplinary action. Medical amnesty applies to the alcohol or drug policy violation; however, the student(s) will be held responsible for any other policy violations (i.e., vandalism or violence). Medical amnesty will not be granted in situations that do not involve medical assistance and the dean of students reserves the right to deny amnesty requests from students who continually abuse alcohol or drugs. If the individual who calls for help is doing so on behalf of a student organization that hosted the

precipitating event, this act of seeking medical help will serve as a mitigating factor in determining outcomes for the organization.

Code of Conduct and Alcohol

As mentioned earlier in this Student Handbook, 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:

- Possession, consumption, sale, distribution, manufacturing, or being in the presence of alcohol in all forms.
- Possession, display, or being in the presence of alcohol paraphernalia.
- Sale or distribution of alcohol on campus unless approved by college administration.
- Public intoxication.

Students are responsible for themselves and their guests at all times. The use of alcoholic beverages shall not impinge upon the freedom and rights of roommates, neighbors, and/or other students. Disruptive, destructive, or illegal behavior related to the consumption of alcoholic beverages is subject to Notre Dame disciplinary action and/or civil enforcement.

Drug Policy (Other Than Alcohol)

Notre Dame College is a drug-free campus. The possession, sale and/or consumption of controlled substances are expressly forbidden anywhere on campus. In addition, a student will be held responsible for the possession of drug paraphernalia found in his/her room or use of drugs or drug paraphernalia in his/her room, whether or not the student is present at the time the violation is committed. These policies also extend to disruptive behavior resulting from the use of drugs. The police will be contacted for all drug violations. Concerns or questions involving drugs should be directed to the Student Affairs Office.

Marijuana Policy

Federal law prohibits the use of marijuana on college campuses. Thus, marijuana use, even for medical situations as allowed by Ohio State Law, is not allowed or authorized. This includes all forms of edibles. Students are not allowed to possess, use, or distribute marijuana at Notre Dame even if they might have a medical card authorizing them to do so. Students who violate this policy are in violation of the Code of Conduct and are subject to sanctions listed in the Code of Conduct policies. Also prohibited, are any devices or paraphernalia used or displayed for the disbursement of marijuana or other drugs and banned substances.

Other (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 smoking cigarettes, Dab pens, electronic cigarettes, hookahs (including hookah pens) and other smoking devices.

Smokeless tobacco in conjunction with NCAA rules/policies is prohibited.