



# **Community Standards Manual**

**John Carroll University**

**2009-2010**

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(ALPHABETICAL)

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# COMMUNITY STANDARDS MANUAL

## Introduction

As a Jesuit Catholic University, John Carroll inspires individuals to excel in learning, leadership, and service in the region and in the world.

All statements of student rights must be read in light of responsible membership in a University community committed to the above statement.

**Please be aware that the provisions of this manual are not to be regarded as an irrevocable contract between John Carroll University and its students. The University reserves the right to change any provision or any requirement at any time.**

## Rights and Responsibilities

**Campus Expression:** Students enjoy freedom of speech and expression on campus and at University-sponsored, off-campus events or activities. Civil discourse, characterized by mutual respect for individuals and for opposing viewpoints, is an inherent responsibility of all members of the University community.

Free speech and expression does not include illegal activity, or activity that endangers or threatens to endanger the safety of any member of the community, or any of the University's physical facilities, or any activity that disrupts or impedes the functions of the University or threatens such disruption or hindrance.

Indecent or obscene expression that is offensive on matters such as race, ethnicity, religion, gender, disability, or sexual orientation is inappropriate in a university community.

University facilities may not be used for the continued public advocacy of positions contrary to the Catholic character of the University.

**Classroom Expression:** Students enjoy freedom of research, of legitimate classroom discussion, and of advocacy of alternative opinions to those expressed in the classroom.

For purposes of academic credit, students will be evaluated on knowledge and academic performance and not on the basis of personal or political beliefs.

**Public Speakers:** Students may invite and hear speakers of their choice on subjects of their choice, subject to the limitation that the University may withhold approval of an event or a speaker if holding such an event or providing a forum for the speaker is determined to be contrary to the mission of the University.

**Campus Publications and Communications:** The student press and radio station enjoy editorial freedom. This freedom carries with it the obligation to operate responsibly according to journalistic and broadcast ethics, consistent with the University's mission and any applicable legal regulations. Student editors and managers will not be suspended arbitrarily because of student, faculty, administration, alumni, or community disapproval of editorial policy or content.

**Campus Postings and Distribution of Literature:** Students or student organizations may post or distribute written materials on campus providing such posting or distribution conforms to University guidelines on campus expression, solicitation, and posting. Any materials to be posted or distributed must be approved by the Director of Student Activities.

**Conduct Process:** Students have a right to written notice of any conduct charges, to a hearing to resolve the conduct charges, and to written notice of any disciplinary actions.

## **Student Conduct System**

### **I. COMMUNITY EXPECTATIONS**

#### **A. INTRODUCTION**

As a Jesuit and Catholic University, John Carroll University strives to foster the fullest development of its students in an atmosphere of care and concern. The Jesuit value of *cura personalis*, the care of each and every individual, along with the University's mission to inspire individuals to excel in learning, leadership, and service call us to promote the growth and development of the whole person. This is also articulated in the University's core values that call for the creation of a rigorous approach to scholarship, an inclusive community where differing points of view and experience are valued, a commitment to sharing our gifts, and an appreciation that our personal and collective choices can build a more just world. Our community holds high expectations of how we live and interact with each other as we are all interconnected and thus the actions of one of us has an effect on us collectively. Respect for self, respect for others, respect for property, respect for authority, and honesty, both within and outside the University community are the foundations for our standards of conduct. In order for our community to thrive, all members must be active in contributing to an environment where people feel safe, sustained, engaged, challenged, and appreciated. We must also hold ourselves and each other accountable for our actions as a part of our community life.

#### **B. STUDENT CODE OF CONDUCT**

Students enrolling in John Carroll University assume an obligation to behave in a manner compatible with the University's function as an educational institution. The purpose of the Student Code of Conduct, herein referred to as the Student Code, is to establish the expectations regarding students' behavior, and to expand upon the rights and responsibilities of students. These guidelines are not arbitrary legislation but have, as their primary purpose, the welfare of students and the entire John Carroll community. They have been formulated with the objective of directing and channeling the efforts of John Carroll students toward a successful University life.

The University is dedicated not only to learning and the advancement of knowledge, but also to the whole development of persons within the Catholic and Jesuit traditions. The University seeks to achieve these goals through a sound educational program that includes clear policies governing student rights and responsibilities. Since all members of this institution freely affiliate with this University, they make a decision to be bound by the rules, regulations, and principles of the University community. The Student Code of Conduct applies to behavior both on and off campus.

Certain behaviors are incompatible with the above standards and are unacceptable in the University community. For these reasons, they are subject to disciplinary action by the University. Examples of such behaviors include, but are not limited to, the following:

**1. Lack of Respect for Self**

- a. Violating the University alcohol policy. This includes, but is not limited to, such behaviors as underage students being in the presence of or using alcoholic beverages, possession of a false identification indicating an underage person is at least 21 years old, or any student being intoxicated and/or incapacitated, on or off campus. It should be understood that the effects of alcohol do not relieve individuals of their responsibility to themselves and/or the community. (See full University alcohol policy, page 25.)
- b. Violating the University drug policy. This includes, but is not limited to, such behaviors as being in the presence of or possessing, using, distributing, and/or selling narcotics, drug paraphernalia, other drugs, or any controlled substance illegally. It must be understood that the effects of drugs do not relieve individuals of their responsibility to themselves and/or the community.
- c. Engaging in behaviors which put the individual in danger.

**2. Lack of Respect for Others**

- a. Physically or verbally abusing, assaulting, threatening, endangering, or harassing any person. This includes all written, oral, and electronic forms.
- b. Engaging in harassment based on race, ethnicity, gender, sexual orientation, ability, or religious affiliation. This includes all written, oral, and electronic forms.
- c. Engaging in sexual assault, sexual exploitation, sexual harassment, non-consensual sexual contact and/or stalking as defined by the Sex Offense Policy.
- d. Participating in hazing which includes actions or situations that do or could result in mental, emotional, or physical discomfort; embarrassment; harassment; ridicule; or endangerment whether intentionally, for fun, or by consent.
- e. Misusing or interfering with fire equipment, or failing to follow fire drill or other emergency procedures. This includes tampering with, or disregard for, security precautions in the residence halls or other University premises.
- f. Interfering with the safety and/or health of a member of the University community, on or off campus.
- g. Possessing, using, or selling firearms, other weapons (such as pellet, paint, or BB guns, and weapons used in the practice of martial arts) or incendiary or explosive devices including fireworks on University premises.
- h. Engaging in behavior that is disruptive of the living and learning environment on campus or the living environment off campus.
- i. Throwing food or engaging in other disruptive behavior in the dining hall, Inn Between or other food service locations.
- j. Participating in lewd or indecent misconduct.
- k. Hosting guests whose actions violate University policies. It is the responsibility of each student to inform his/her guest(s) of University policies and community expectations for behavior. Student hosts may be held responsible for the actions of their guest(s) on University premises and at University sponsored events off campus.

**3. Lack of Respect for Property**

- a. Engaging in the unauthorized entry into, use of, or occupancy of University premises.
- b. Engaging in the theft of, misuse of, damage to, or destruction of institutional, group, or private property, including library materials, computers, or computerized information.
- c. Engaging in arson or the irresponsible use of fire.

- d. Possessing property that is not your own, such as room keys or University identifications.

**4. Lack of Respect for Authority**

- a. Intentionally interfering with any normal function of a University-sponsored activity, on or off campus.
- b. Violating published policies and/or rules governing residence halls, student organizations, or the University.
- c. Engaging in illegal gambling.
- d. Failing to comply with the directions of University employees acting in the performance of their duties. This includes, but is not limited to, Campus Safety Services personnel, Residence Life staff, or Dining Services staff.
- e. Engaging in acts or deeds that violate existing federal, state, county, or municipal laws or ordinances.
- f. Refusing to show or surrender University identification upon request by University employees acting in the performance of their duties.
- g. Failure to appear before the Dean of Students or designee.
- h. Not cooperating with any Student Conduct Administrator/Board by not being forthcoming and honest with information.
- i. Not complying with disciplinary actions imposed in a timely manner.

**5. Dishonesty**

- a. Engaging in any form of dishonesty, including cheating, plagiarism, fabrications, or assisting others to do so. Normally, individual instances of academic cheating or plagiarism are handled by the faculty member and department. (See Academic Honesty Policy.)
- b. Knowingly furnishing false identification to the University. Misrepresenting information about oneself or others when providing information to a University official acting in the performance of his/her duties.
- c. Engaging in forgery, alteration, or the unauthorized use of University records, documents, or instruments of identification.
- d. Misusing financial assistance (aid) through fraud and/or abuse.
- e. Violating a printed policy issued by Academic Affairs.

The above examples are illustrative rather than exhaustive. In the event that there arises some ambiguity, inconsistency or need for clarification in this statement, such definition, interpretation or clarification shall be decided by the Dean of Students.

Students should consult the Undergraduate/Graduate Bulletins, this Community Standards Manual, the Residence Life housing contract, and other published University policies for a more complete list of expectations and regulations.

## **II. DISCIPLINARY ACTIONS**

If a student is found responsible for violation(s) of the John Carroll University Student Code of Conduct, disciplinary action will be taken.

In most circumstances, standard minimum actions will be used to address student behavior found to be in violation of the University's alcohol policy, drug policy, and policy regarding fire alarms and firefighting equipment. In all other cases, there are no standard disciplinary actions for violation of the Student Code. Infractions lead to sanctions ranging from positive actions and University warnings to expulsion. The University seeks first and foremost to educate its students and make decisions regarding disciplinary actions from an educative perspective. The descriptions provided below are intended to inform students of the range of

possible consequences for failing to uphold the Student Code. In each case, factors such as the nature and gravity of the incident, the motivation underlying the behavior, the student's conduct history, and precedent in similar cases will be considered in determining the appropriate disciplinary action(s).

The disciplinary actions listed below may be used separately or in combination with one another. Failure to comply with any disciplinary action will result in additional conduct charges and may result in additional disciplinary action(s).

**A. Positive Actions**

Positive actions are required activities intended to engage students in a positive learning experience related to the students' inappropriate behaviors and allow students to reflect upon their inappropriate behaviors, learn new information about the behaviors in which they engaged and why it is inappropriate or unacceptable, and/or educate other students so they do not find themselves in similar circumstances. This type of disciplinary action may include, but is not limited to, engaging in a campus or community service project, attending or presenting a program related to the implications of the students' conduct, writing a paper, conducting interviews, or engaging in some type of personal assessment, mediation, advising, or counseling.

**B. University Warning**

A University Warning is a formal, written notice that the behavior or set of behaviors is inappropriate and violates the basic expectations of students as set forth in the Student Code.

**C. Restitution/Financial Penalties**

Restitution requires a student to pay for damages to and/or destruction or loss of University property, property of members of the University community, or of visitors to the University. Restitution is also applicable for misappropriation of University funds, or for other expenses incurred as a result of violations of the Student Code. The amount of restitution is dependent on the extent of damage/loss as well as what is determined to be the most appropriate way for a student to make amends for the damage/loss s/he caused. The amount, form, and method of payment for restitution are decided by a Student Conduct Administrator. Financial penalties will be imposed on students who are dismissed from the residence halls and/or students who are suspended or expelled from the University.

**D. Fines**

For some offenses, fines may be imposed and the amounts depend on the infractions. Money collected will be used to support educational programming. Delinquent fines may be assessed to the student's billing statement.

**E. Limitations on Activities and/or Access**

Limitations on activities or access are assigned if the prohibition from participation in certain activities, events, or facilities has been determined to be in the best interest of the student and/or the University. Limitations on activities and/or access may include, but are not limited to, a fixed period of ineligibility for service as an officer or member of any University organizations, or as a member of any University committees, boards, or councils, or as a participant in any intercollegiate activity; ineligibility to receive or maintain any award from the University; prohibition from attendance at social events; restricted entrance into various University buildings; or restriction from all forms of contact with certain person(s).

**F. Residence Hall Probation**

Residence Hall probation is a formal notice to the student that s/he has engaged in behavior that is unacceptable in the residence halls (this includes off campus housing administered by the Office of Residence Life), and that if continued or other inappropriate behavior follows, more severe action may be taken, including the possibility of housing contract termination, University probation, deferred suspension, suspension, and/or expulsion from John Carroll University. Residence Hall probation is for a fixed period of time that is determined by the Student Conduct Administrator/Board. Official notice of residence hall probation may be provided to the student's parent(s)/guardian(s) if the student is a dependent.

**G. Residence Hall Reassignment**

This action involves moving a student out of his/her assigned room, hall/wing, or building for a specific period of time or permanently. This usually carries a visitation restriction to the previously assigned room, floor/wing, or building. It may be necessary to move the student to a temporary space until a permanent space becomes available.

**H. Residence Hall Suspension**

A responsible living environment in the residence halls requires all members of the community to respect other residents' rights for safety, security, and reasonable quiet. Serious disruption of, or continued disregard for, the hall community can lead to removal from that community. This action calls for separation of the student from the residence halls for a period of time, after which the student is eligible to return. Conditions for returning may be specified. Financial penalties will apply. Students who are suspended from the residence halls lose visitation privileges in any University housing during the period of their suspension. Written notification of this action may be provided to his/her parent(s)/guardian(s) if the student is a dependent.

**I. Termination of Housing Contract**

Repeated and/or serious violations of the terms of the housing contract may result in the termination of the housing contract and the immediate removal of the student from the residence halls, financial penalties, and loss of visitation privileges in any University housing. Written notification of this action may be provided to his/her parent(s)/guardian(s) if the student is a dependent.

**J. University Probation**

University probation is a formal notice to the student that the activity in question is unacceptable and that, if continued or if other inappropriate behavior follows, more severe action may be taken, including possible suspension or expulsion from John Carroll University. University probation is for a specific period of time and can include such restrictions as denial of the opportunity to participate in extra-curricular activities or events, to perform in the name of the University, to serve as an officer of a student organization, or to reside in University housing. Additionally, students who have been placed on University probation for a period of more than 15 weeks will be limited in the options they may have for housing for the following year. Specifically, those students who are required to live in the residence halls for the following year will be assigned to a room by the Office of Residence Life after all other returning students have the opportunity to sign up. (See page 53 for a complete explanation of these restrictions.) Written notification of this action may be provided to his/her parent(s)/guardian(s) if the student is a dependent.

**K. Deferred Suspension**

Deferred Suspension is for a specific period of time and is a formal notice to the student that the activity in question is unacceptable and very serious. Suspension will remain deferred unless disciplinary actions assigned are not completed and/or unless continued inappropriate behavior follows. Additional violations of the Student Code will most likely result in suspension or expulsion from the University. In addition to housing restrictions noted under University probation, students who have been placed on Deferred Suspension for a period of more than 15 weeks will not be permitted to reside in Bernet Hall or any off campus properties administered by the Office of Residence Life for the following year. Written notification of this action may be provided to his/her parent(s)/guardian(s) if the student is a dependent.

**L. Suspension**

Suspension from the University involves the exclusion of the student from participation in any academic or other activity of the University for a specified period of time and may include prohibiting the student from being on University premises. Written notification of this action will be provided to his/her parent(s)/guardian(s) if the student is a dependent. Suspension during a semester in progress will result in withdrawing the student from all registered classes and the application of any financial penalties. Suspended students may need to apply for readmission and may need to comply with certain conditions upon re-admittance. Additionally, suspended students may not participate in housing selection, limiting the options they may have for housing upon their return. Students who have been suspended may not live in Bernet Hall or any off campus properties administered by the Office of Residence Life.

**Reinstatement from Suspension:** When a student has concluded the suspension period and completed the conditions accompanying the suspension, s/he must submit a letter to the Dean of Students or designee requesting reinstatement and provide evidence that s/he has satisfied the terms of the suspension. The student may return to the University only after an affirmative decision has been made by the Dean of Students or designee.

**M. Expulsion**

Expulsion is a serious University disciplinary action and involves the permanent exclusion of the student from the University. This action also includes being permanently prohibited from being on the campus and all University owned or controlled off campus properties. An expelled student is not eligible for re-admission. Financial penalties will apply. Written notification of this action will be provided to the student's parent(s)/guardian(s) if the student is a dependent.

**N. Revocation of Admission**

Admission to the University may be revoked if it was obtained through fraud or misrepresentation, or if the student or potential student otherwise violates University standards.

**O. Revocation of Degree Awarded**

A degree awarded from the University may be revoked if it was obtained through fraud or misrepresentation or for other serious violation of University standards committed by a student prior to graduation.

**P. Denial or Postponement of Awarding of Degree or Honor**

A degree not yet awarded may be withheld despite a student's completion of academic requirements, if the academic requirements were fulfilled through fraud or

misrepresentation or the student committed a serious violation of University standards previous to graduation. A degree or honor may also be temporarily withheld while any student conduct procedures or actions are pending.

### **Student Organization Disciplinary Actions**

The actions of undergraduate and graduate student organizations are expected to be consistent with the Student Code. If members of a student organization or students representing the group violate the Student Code, disciplinary action will be taken against the group as a whole, its officers, and/or individual members. The following actions may be imposed if a student group or organization is found responsible for violation of the Student Code:

1. The actions described above in Section II A. Positive Actions, B. University Warning, C. Restitution, D. Fines, or E. Limitations of Activity and/or Access.
2. Written or verbal notification to national organization representatives, officers, and/or advisors.
3. **Loss of Privileges**--Denial of access to University owned facilities, removal of services performed by the organization, and/or denial of attendance or participation in activities and programs.
4. **Social Probation**—Probationary status for not less than one month, during which time the organization is restricted from participating in any combined social function with individuals or other student organizations outside its own membership.
5. **Probation of Student Organization**—Probationary status for a specified period, typically not less than one semester, during which time the organization will be required to fulfill specific conditions before reinstatement to good standing.
6. **Suspension of Student Organization**—Separation from the University for a specified period, typically not less than one semester. This includes the loss of all rights and privileges of student organizations, including the use of University facilities. The organization will be on probationary status for one year following completion of the suspension.
7. **Termination of Student Organization**—Permanent separation of a student organization from the University.

All decisions about and actions imposed on student organizations or groups will be kept in a file in the Dean of Students' office. Prior conduct actions will be reviewed if there are subsequent violations by the student organization. Such actions may be considered when deciding an appropriate disciplinary action.

## **III. STUDENT CONDUCT PROCEDURES**

### **A. Overview**

Community expectations pertain to all students attending John Carroll University. Students who are found responsible for violating University standards will receive one or more of the disciplinary actions noted above. To determine if a student is responsible for a conduct violation, the student conduct procedures described below will be followed.

Any member of the University community may report an alleged policy violation of the Student Code. The Dean of Students' office, the Office of Residence Life, and Campus Safety Services can assist with this process. Any report should be submitted as soon as possible after the event takes place, preferably within ten (10) business days. In cases of serious misconduct, the University reserves the right to

act on reports no matter when they are submitted. The University will investigate all reports.

In cases where there may be a witness to an alleged violation, or in cases where a student who believes s/he has been a victim of another student's misconduct requests that the University pursue the case even though s/he is unwilling to further participate in the process, or in cases in which pursuing the case is in the best interest of the University, the University reserves the right to pursue a case to its conclusion as the complainant.

A Student Conduct Administrator may conduct an investigation to determine if the report merits charging a student with a violation(s) of the Student Code. If a student is charged with a violation, the Student Conduct Administrator will decide whether the case will be handled through an administrative hearing or a student conduct board hearing. In some cases, the Student Conduct Administrator may offer the students involved in an incident the opportunity to substitute a student conduct hearing with a student conduct conference (described below).

The involved students identified in the conduct referral will be notified and will be asked to appear at the hearing. All parties will be asked to provide written and/or verbal testimony and to explain what happened. A determination of responsibility will be based on conduct referrals and the evidence presented at the hearing.

The hearing shall follow the procedures outlined in Section III, G. During the hearing an accused student will have certain rights. (These are described in Section III, G, 2.) A written or electronic record shall be made of all administrative and board hearings. In board hearings where recommendations are appropriate, the board will submit its recommendations to a Student Conduct Administrator. At the conclusion of the hearing process, an accused student will have the right to appeal the disciplinary decision based on the criteria listed in Section III, H.

## **B. Notification**

1. The accused student will be notified by the Student Conduct Administrator at least two (2) business days before the hearing. Included in the notification will be the date, time, location, and nature of the hearing, including a description of the specific violations of the Student Code s/he allegedly committed. All communications to the student may be verbal, but must subsequently be confirmed in writing.

2. The written hearing notification may be sent to the student's residence, to the student's University mailbox, or may be communicated to the student via e-mail to the student's John Carroll e-mail account. Students are expected to check their e-mail on a frequent and consistent basis and act in a timely manner as outlined in the Official Communication policy. (See page 43)

3. The hearing notification will include a link to the University website where the student may access information describing the student conduct process, information about witnesses, advisors, and a listing of potential disciplinary actions. Also included in the notification will be a notice about whether the formal hearing will be held by a Student Conduct Administrator or a Student Conduct Board.

## **C. Administrative Hearing**

An administrative hearing is a formal hearing conducted by one (or two) Student Conduct Administrators. The Student Conduct Administrator(s) will review all of the evidence, make a determination of responsibility or recommend the findings, and assign or recommend a disciplinary action as appropriate. The administrative

hearing will follow the procedures outlined in Section III, G.

**D. Student Conduct Boards**

Student Conduct Boards (Student Union Hearing Board, University Hearing Board) will conduct formal hearings on all cases assigned to them for the purposes of reviewing the evidence, and determining or recommending a finding of responsibility and disciplinary actions to the Student Conduct Administrator as appropriate. The non-voting board chairperson will arrange for the hearing, chair the session(s), and develop a written statement including the determination of responsibility or recommended findings and the assigned or recommended actions(s) from the Student Conduct Board. The board hearing will follow the procedures outlined in Section III, G.

**E. Student Conduct Conference**

In some cases, the Student Conduct Administrator may offer the student(s) involved in an incident the opportunity to substitute a Student Conduct Conference for a student conduct hearing. The Student Conduct Conference can only take place if there is no student who believes s/he has been a victim in the incident, if the charged student accepts responsibility for the inappropriate behavior, and if the accused student elects the option of a Student Conduct Conference and waives the right to a student conduct hearing. A Student Conduct Conference involves the following elements:

- It replaces a conduct hearing;
- does not require two (2) business days written notice;
- no written or electronic record is kept;
- usually does not involve in-person witness testimony;
- is usually considered an option only for students who have not been found responsible for prior violations of the Student Code;
- can lead to the imposition of disciplinary action for inappropriate behavior.

Following the conference, the Student Conduct Administrator will determine appropriate disciplinary action (with consultation as appropriate), and communicate the action to the student in writing within five (5) business days following the conduct conference.

**F. Organizational Hearing**

An organizational hearing is a formal hearing conducted by one or more Student Conduct Administrators. This type of hearing is conducted when there is a violation of the Student Code on premises rented, operated, or controlled by the organization; during an organization event; in any situation sponsored or endorsed by the organization; or in any event an observer would associate with the organization. The Student Conduct Administrator(s) will review all of the evidence, make a determination of responsibility or recommend the findings, and assign or recommend a disciplinary action for the organization and/or individual member(s) as appropriate. An organizational hearing differs from an administrative hearing in the following ways:

**G. Student Conduct Hearing Procedures**

This section describes the format of the hearing and the rights of the accused student in a hearing process. It also includes information about witnesses, advisors, the decision-making process, and the communication process.

The organization's advisor (faculty, administrator, staff, alumni, or other [excluding parents/guardians and lawyers]) is invited to attend the hearing.

1. The organization's president and executive officers will usually officially represent the organization at the hearing, although additional officers and/or members of the organization may be invited to the hearing.
2. The organization will be asked to submit a written statement about the incident and its members' involvement that will be used during the hearing. Otherwise, the organizational hearing will follow the procedures outlined in Section III, G.

**1. Hearing Format**

- a. A single record consisting of written notes, tape recording, or other methods selected by the Student Conduct Administrator will be made of all hearings. (In cases with a possible outcome of suspension, expulsion, revocation of Admission, revocation of degree awarded, or denial of awarding of a degree or honor, the hearing will be electronically recorded.) This record will be retained for one month following the hearing or until the conclusion of any appeal process, whichever is longer. The record will then be destroyed, except in cases of suspension, expulsion, revocation of Admission, revocation of degree awarded, or denial of awarding of a degree or honor, when the electronic record shall be retained with the student's record.
- b. The Student Conduct Administrator/Board chair may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the students involved during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by other means, where and as determined in the sole judgment of the Dean of Students or designee, to be appropriate.
- c. At the beginning of the hearing the students involved and advisors will be introduced to others who are present.
- d. The accused student will be informed of the alleged violations of the Student Code and will be advised that s/he has rights specified in Section III, G, 2.
- e. The Student Conduct Administrator will read the conduct referral and ask the accused student to respond.
- f. The complainant will be asked to describe what happened, and the accused student will have the opportunity to respond.
- g. All communication between the students involved will be directed to the Student Conduct Administrator/Board chairperson. The Student Conduct Administrator/Board Chairperson will decide which questions to ask of each person.
- h. The Student Conduct Administrator/Board chairperson may reasonably limit the scope and time devoted to each matter or item of discussion during hearings, as well as the number of persons testifying.
- i. The Student Conduct Administrator/Board chairperson will decide the order of witnesses and when they will be in the hearing room.

- j. The Student Conduct Administrator/Board chairperson and/or members of the Student Conduct Board may ask questions of any students involved during the hearing.
- k. At the conclusion of the hearing, the students involved and advisors will be asked to leave the room. These individuals will not be present during the deliberations of a Student Conduct Administrator/Board.
- l. All procedural questions are subject to the final decision of the Student Conduct Administrator.

## 2. **Student Rights**

In the hearing notification letter and again at the beginning of the hearing, the accused student will be advised that s/he has the rights listed below. Students with any questions about their rights are encouraged to contact the Associate Dean of Students.

- a. The student is entitled to be presumed not responsible, and be given an explanation of the conduct system and charge(s).
- b. The student is entitled to freedom from harassment or retaliation by others involved in the incident.
- c. The student is entitled to the use of all available internal and external support services in dealing with the aftermath of the situation.
- d. The student is entitled to object to a member of a Student Conduct Board for reasons of official or personal conflict of interest.
- e. The student is entitled to be present throughout the hearing, but not during the deliberation of the Student Conduct Administrator/Board.
- f. The student is entitled to the presence of an advisor from the University community, excluding legal counsel and/or parents/guardians.
- g. The student is entitled to remain silent (i.e., not to testify against him/herself) but must be informed that if silence is maintained, the case will be decided on the evidence presented.
- h. The student is entitled to freedom from having irrelevant personal history discussed during the conduct hearing (relevance to be determined by the Student Conduct Administrator).
- i. The student is entitled to know all evidence and testimony presented against him/her and to view pertinent materials supporting the case against him/her.
- j. The student is entitled to present pertinent evidence and the testimony of witnesses, excluding character witnesses, to substantiate his/her case and to comment upon and respond to the charges against him/her.
- k. The student is entitled to propose questions to be asked of others involved with the exception of advisors.
- l. The student is entitled to written documentation of the outcome of the conduct hearing.
- m. The student is entitled to make a written appeal of the disciplinary decision within five (5) business days of the date of notification of that decision. University disciplinary actions are appealed to the Dean of Students.

Witnesses are entitled to freedom from harassment or retaliation by anyone due to their participation in the conduct hearing.

**3. Attendance**

All conduct hearings will be closed to everyone except those persons specifically provided for in this procedure or persons whose presence at the hearing is authorized by the Student Conduct Administrator.

If a student fails to attend a scheduled hearing, the hearing may proceed in his/her absence. Under these circumstances, the information in support of the charges shall be presented and considered. Such an absence by the accused student will not be the reason to conclude that the accused student is responsible. Such an absence by the complainant or student who believes s/he has been a victim of the accused student's misconduct could result in a finding of "not responsible" for the alleged violations due to lack of evidence or information. Such an absence will not be considered grounds for appeal.

In cases involving more than one accused student, a Student Conduct Administrator or Chair of the Student Conduct Board may decide to conduct the hearings separately or jointly.

Where two or more cases involving common occurrences or the same student(s) are pending simultaneously, the Student Conduct Administrator may decide to consolidate the hearing of such cases, or hear them separately.

**4. Witnesses**

The accused student is responsible for arranging for witnesses testifying on his/her behalf to appear at the hearing. Students who believe they have been a victim of the accused student's misconduct, and the Student Conduct Administrator may also invite witnesses to appear at the hearing. In the exceptional event that a witness is unable to attend the hearing, the witness may write or record a statement and discuss the statement with the Student Conduct Administrator before the scheduled hearing. The Student Conduct Administrator is to be notified not less than one (1) business day before the hearing, of those persons intending to provide testimony, whether in person or in writing. The Student Conduct Administrator/Board chairperson may reasonably limit the scope and time devoted to witness statements. Witnesses are typically asked to comment only on the event(s) pertinent to the charges, not the character of the accused student(s).

**5. Evidence**

In all cases, the procedures will not be subject to limiting rules of evidence. Evidence will consist of oral and written testimony, incident reports, and any other material directly related to the incident. Other evidence may also be considered and will consist of such things as second hand reports and circumstantial evidence. The Student Conduct Administrator/Board chairperson may reasonably limit the scope of evidence considered in the hearing.

If during the course of the hearing the facts bear out that the accused student is responsible for any other violation(s) of the Student Code, it is the responsibility of the Student Conduct Administrator/Board to make a determination of responsibility or recommend the findings and assign or recommend the disciplinary action, as

appropriate, for such violations.

**6. Advisor**

The accused student, and a student who believes s/he has been a victim of the accused student's misconduct in cases of a sex offense or other violent action, may have one advisor present at the hearing. The advisor is a member of the John Carroll community who is not an attorney or a parent/guardian. (In cases that involve an alleged violation of the Sex Offense Policy, the student who believes s/he has been a victim of the accused student's misconduct may have an advisor that is not from the John Carroll University community but that person may not be an attorney or a parent/guardian.)

If the student wants to have an advisor present, the student must notify the Student Conduct Administrator of this fact in writing no later than two (2) business days before the hearing. The advisor serves as a support person and is intended to be of direct assistance to the student before, during, and after the hearing and therefore shall be allowed to attend the entire portion of the hearing at which information is received (excluding deliberations). The students involved are responsible for presenting their own information, and therefore, advisors are not permitted to speak at a hearing. A student should elect an advisor whose schedule allows attendance at the scheduled date and time for the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

**7. Substitution of Members/Quorum**

If a member of the Student Conduct Board believes that s/he is not qualified to serve on the board for personal or official reasons, that member may disqualify him/herself. A student whose case is before the board may not object to the membership of the board except for reasons of official or personal conflict of interest. The board chairperson will determine the validity of such objections and his/her determination shall be final. If necessary, the board chairperson will replace the disqualified board member with a substitute.

For the purpose of hearing any case that comes before a board, the presence of five voting members shall constitute a quorum. A decision agreed to by a majority of the sitting board shall be the decision of the board.

**8. Decisions and Communications**

At the conclusion of the conduct hearing, the accused student will be informed as to when the decision will be made and communicated. Conduct decisions that result in positive action, University warning, restitution, fines, and/or residence hall probation will be made by the Student Conduct Administrator/Board and communicated to the accused student in writing within three (3) business days of the conclusion of the hearing. All other findings and disciplinary actions will be made after consultation with and approval by the administrators indicated below:

Disciplinary actions of limitation on activities, residence hall reassignment, residence hall suspension, termination of housing contract, University probation, and/or deferred suspension will be reviewed and approved by the Associate Dean of Students. Cases heard by the Associate Dean of Students will be reviewed and approved by the Dean of Students.

Disciplinary actions of suspension, expulsion, revocation of admission, revocation of degree awarded, denial or postponement of awarding of degree or honor will be reviewed and approved by the Dean of Students.

The official receiving the recommendation may accept or change the recommended finding and/or disciplinary action. The final decision will be communicated in writing to the accused student and the student who believes s/he has been a victim of the accused student's misconduct if applicable, by the Student Conduct Administrator within five (5) business days of the conclusion of the hearing. In the event that the written notification is delayed, notification of the delay and when the decision should be expected will be communicated.

All communication to students will be transmitted through the University's e-mail system and/or in person. Individual circumstances may permit or require communication by whatever means is necessary to reach the student promptly and reliably. Following reasonable efforts to deliver any communication to a student personally, an indirect or substituted mode of delivery may be attempted.

## **H. Appeals**

### **1. Overview**

A conduct decision made or disciplinary action(s) assigned may be appealed by the accused student. The Associate Dean of Students\* will determine if there are grounds to warrant an appeal. \*(Note—For cases in which the Associate Dean of Students makes the conduct decision, the Dean of Students will assume the appeal role described in this section. For cases in which the Dean of Students makes the conduct decision, the Vice President for Student Affairs will assume the appeal role described in this section.)

Except as required to explain the basis of new evidence, an appeal shall be limited to review of the written or electronic record of the initial hearing and supporting documents for one or more of the following purposes:

- a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- b. To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.
- c. To determine whether the disciplinary action(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed. Review of the disciplinary action(s) may not result in more severe disciplinary action(s) for the accused student.
- d. To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the accused student appealing at the time of the original hearing.

### **2. Time Line**

A student has five (5) business days after receipt of the written notification of a conduct decision to file an appeal with the Dean of Students' office. Failure to appeal within the five (5) business day period waives the right to appeal.

Disciplinary actions will not be implemented while an appeal is under consideration.

### 3. **Documentation**

The appeal must be in writing and must contain the following:

- the completed Request for Appeal Form which can be obtained in the Dean of Students' office;
- a statement explaining in detail why the student is contesting the findings or the action(s);
- copies of any documents that will substantiate or clarify the appeal request.

### 4. **Review of an Appeal Request**

Within five (5) working days of the receipt of the material pertinent to the appeal, the administrator hearing the appeal will notify the student in writing of his/her decision to deny the request for an appeal, to inform the student of the outcome of an administrative appeal decision or to accept the appeal for review by the University Appeals Board. If a delay occurs in the receipt of the supporting material, or additional time is needed to review the material, this administrator will notify the student of the delay within five (5) working days of the appeal filing date.

### 5. **Administrative Appeal Option**

An administrative decision to grant or deny an appeal may be made at the discretion of the administrator hearing the appeal. This administrator may impose one of the following actions:

- affirm the conduct decision and thus deny the appeal;
- modify the conduct decision;
- return to the original Student Conduct Administrator/Board for a new or partial rehearing;
- refer the case to a new Student Conduct Administrator/Board (make up) for a new or partial rehearing;
- overturn the conduct decision.

### 6. **University Appeals Board**

If an appeal is referred to the University Appeals Board (UAB), the student will be informed of the date and time when the committee will review the student's written appeal material. The administrator hearing the appeal will promptly provide all appeal materials to the UAB for its consideration. The UAB will confine its review to the issues raised in the written appeal and will consider the appeal based only on the material, questions, and evidence from the original hearing submitted in writing and the written or electronic record of the hearing. The student or others, including witnesses, will not appear before the board unless specifically invited by the board in order to obtain clarification about a specific point in the appeal.

Upon completing the review of the appeal the board will submit its recommendation to the administrator hearing the appeal in writing within two (2) business days. The board is limited to recommending one of the five (5) actions

listed in Section III, H, 5, of this document.

The student will be informed in writing of the decision of the administrator hearing the appeal within five (5) business days after the board has made its recommendation to the administrator. The disposition of the case by the administrator shall be final.

## **IV. SPECIAL CIRCUMSTANCES**

### **A. Sex Offenses or other Acts of Violence**

A person reporting being a victim of sex offenses or other acts of violence by a John Carroll University student shall have additional rights under the Student Code. The person who believes s/he has been a victim of the accused student's misconduct is entitled to an explanation of available options for redress, including an explanation of the conduct system.

A no contact directive may be issued by a Student Conduct Administrator to any or all parties involved in the case, including third parties. The person who believes s/he has been a victim of the accused student's misconduct will be notified should that occur. The person who believes s/he has been a victim of the accused student's misconduct may elect to have an advisor (excluding legal counsel and or parents/guardians) accompany her/him throughout the conduct process including any initial meeting, conference, and the hearing. Prior to the hearing, the person who believes s/he has been a victim of the accused student's misconduct will be required to make a formal statement (normally a signed written statement) describing the incident. The accused student will be given an opportunity to respond with his/her own formal statement. The person who believes s/he has been a victim of the accused student's misconduct has the right to be present throughout the hearing, but not during the deliberations of the Student Conduct Administrator/Board. The person who believes s/he has been a victim of the accused student's misconduct has the right to present pertinent evidence and the testimony of witnesses, excluding character witnesses, to substantiate his/her case. This includes making a "victim impact" statement and proposing questions to be asked of the accused and/or witnesses. Irrelevant history of both parties will not be discussed or considered during the conduct process. (The Student Conduct Administrator will determine relevancy.) The person who believes s/he has been a victim of the accused student's misconduct will be informed of the results of the student conduct proceeding. Should any delay occur during the proceedings, the Student Conduct Administrator will inform the victim of the reason for the delay.

The John Carroll community encourages the reporting of crimes by victims to University officials and if appropriate, law enforcement authorities. Sometimes, victims are hesitant to report to University officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that all sex offenses and other acts of violence are reported to University officials. To encourage reporting, it is the University's practice to address minor policy violations related to the incident by a person reporting being a victim of sex offenses or other acts of violence through informal means.

The welfare of each member of our community is very important. At times, community members on and off campus may need assistance. John Carroll encourages all students to offer help and assistance to others in need. There may be times when students are reluctant to help for fear that they may face disciplinary action for a policy violation such as underage drinking at the time of the incident.

While policy violations cannot be overlooked, for minor violations, the University will provide positive actions, rather than other disciplinary actions, to those who offer their assistance to others in cases of sex offenses or other acts of violence.

## **B. Off Campus Cases**

The University reserves the right to investigate and subsequently take University action for behavior of John Carroll students in off campus situations when such behavior is believed to have an impact on the John Carroll community, e.g., alleged instances of criminal activity commencing on campus but relocated off campus; harassment of or assault on a University person; criminal activity involving a student, whether as an individual student or as a member of a University recognized organization; violations of city ordinances such as public intoxication, noise, and vandalism; student conduct violations in organized group living situations or in University owned housing. The decision to take action in such cases will be determined by the Dean of Students or designee. This provision is also applicable to students studying abroad, participating in immersion trips, and/or visiting other college/University campuses.

## **C. Emergency Administrative Action**

In certain circumstances, the Dean of Students, or designee, may impose an interim action step prior to a hearing before a Student Conduct Administrator/Board. This action may be taken at any time during the academic year, including Fall Orientation (Streak Week), midterms, final exams and Senior Week. This action may be taken against a graduating senior and may preclude the student from participation in graduation, pending the outcome of a formal conduct hearing.

### **1. Interim Suspension**

- a. Interim suspension may be imposed: 1) to ensure the safety and well-being of members of the University community or preservation of University property; 2) to ensure the student's own physical or emotional safety and well-being; or 3) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
- b. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or to all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students or a designee may determine to be appropriate.
- c. A student will be notified in writing of this action, and the reasons for the interim suspension.
- d. The student may within two (2) business days of the imposition of the interim suspension, petition the Dean of Students or designee for reinstatement. The petition must be in writing, and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of themselves, others or to property. A decision on such petition will be reached and communicated without undue delay by the Dean of Students or designee.
- e. This interim suspension does not replace the regular conduct process which will proceed on the normal schedule, up to and through a Student Conduct Board hearing, if required. This interim suspension shall remain in effect until the conclusion of a full hearing and administrative decision.

## **2. No Contact Directive**

In cases involving allegations of assault, injury, sex offenses or harassment, or when there is reason to believe continued contact between the accused and others involved may interfere with those persons' safety, or ability to fully participate in the University community, the Dean of Students, or designee, may issue a no contact directive to the accused.

- a. The student will be notified in writing of this action, and the reasons for the no contact directive.
- b. The student may within two (2) business days of the imposition of the no contact directive, petition the Dean of Students or designee for removal or modification of the directive. The petition must be in writing and must include supporting documentation or evidence that the student does not pose, or no longer poses, a risk of harm to the health or safety of others. A decision on such petition will be reached and communicated without undue delay by the Dean of Students or designee.

## **3. Interim Suspension of Organizational Privileges**

The Dean of Students or designee may give notice that a student organization be immediately denied University privileges and be excluded from activities on University premises when the student organization's continued activity may be a significant risk to the safety of the University community or its property.

- a. The student organization will be notified in writing of this action, and the reasons for the interim suspension of privileges.
- b. The student organization may within two (2) business days of the imposition of the interim suspension of organizational privileges petition the Dean of Students or designee for removal or modification of this action. The petition must be in writing and must include supporting documentation or evidence that the organization does not pose, or no longer poses, a risk to the safety of the University community or its property. A decision on such petition will be reached and communicated without undue delay by the Dean of Students or designee.

## **D. Violation of Law and Student Conduct Code**

The University may institute conduct proceedings against a student for a violation of the Student Code, regardless of pending civil litigation, criminal arrest, and/or prosecution arising out of the same factual situation. Conduct proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. University disciplinary action will not be subject to challenge on the grounds that civil or criminal charges involving the same incident have been dismissed or reduced.

When students are charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for the individuals because of their status as students. If the alleged offense is also being processed under the Student Code, the University may advise off campus authorities of the existence of the Student Code and of how such matters will be handled internally within the University community. The University will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or disciplinary actions).

## **V. STUDENT CONDUCT RECORDS**

Because the Family Educational Rights and Privacy Act (FERPA) defines the records of a student engaged in the conduct process as an educational record, it is a private record. In situations involving both an accused student(s) (or group or organization) and student(s) claiming to be the victim of another student's misconduct, the records of the process and of the disciplinary action taken, if any, shall be considered to be the education records of both the accused student(s) and the student(s) claiming to be the victim because there may be an impact on the educational career and chances of success in the academic community of each student. Information about the situation may only be shared with the student found responsible, the student(s) claiming to be the victim, their parents/guardians if a dependent, their academic college dean or advisor, and school officials with a legitimate educational interest. A student must give written permission for anyone else to have access to this information, unless otherwise permitted by federal or state law. For additional information regarding FERPA, see the complete policy on page 34 of this manual.

### **A. Retention of Conduct Records**

At the completion of the disciplinary action(s) the student's record shall be returned to good standing, but the disciplinary action(s) and supporting material shall be retained in the student's conduct file. Such a record may be introduced and given due consideration in any subsequent case in which the student may be involved. Upon graduation, the student's conduct file will usually be destroyed. A student conduct file that includes termination of a housing contract, suspension, or postponement of awarding of a degree or honor, shall be destroyed seven (7) years after final disciplinary action(s) have been completed. A student conduct file that includes revocation of admission, revocation of a degree awarded, denial of awarding a degree or honor, or expulsion will be kept indefinitely.

If a student is found not responsible for all the charges filed against him/her, or if a student is exonerated or the charges dropped, the contents of the file directly related to the incident will be removed and destroyed at the conclusion of the case.

## **VI. SOURCES AND LIMITS OF AUTHORITY**

Ultimate University authority and responsibility in matters of student conduct reside in the President of John Carroll University. The President has delegated immediate authority and responsibility for student conduct, under the general supervision of the Vice President for Student Affairs, to the Dean of Students.

The Dean of Students shall develop policies for the administration of the Student Conduct System and procedural rules for conducting hearings that are consistent with the provisions of the Student Code. The Dean of Students or designee shall determine the pool of Student Conduct Administrators, composition of hearing boards and appellate boards, and shall determine which board, or administrator shall be authorized to hear each matter. During break periods, including summer, the Dean of Students may alter the process to provide for a timely resolution to a complaint filed.

The standard for conduct decision-making at all levels of the Student Code of Conduct process will be made on the basis of whether it is more likely than not that the accused student violated the Student Code.

Any question of interpretation or application of the Student Code shall be referred to the Dean of Students for final determination.

**A. Student Conduct Administrators**

The Dean of Students or designee shall designate Student Conduct Administrators who will assume responsibility for administering cases assigned to them and conducting administrative hearings.

**B. Student Conduct Boards**

The Dean of Students or designee shall create student conduct boards to hear cases referred to them. Student Conduct Boards at John Carroll University include the Student Union Hearing Board, the University Hearing Board, and the Appellate Board. Membership on these boards is by appointment or election and can include students, faculty, staff members, and administrators. Student Conduct Boards will be chaired by a non-voting student or conduct administrator. These boards are authorized by the Dean of Students to recommend whether a student has violated the Student Code, and to recommend sanctions when appropriate.

**C. Confidentiality**

Student Conduct Administrators, members of Student Conduct Boards, members of the Appeals Board, and advisors to students, while acting in their official capacities in such positions, shall be deemed to act as special assistants to the Dean of Students, solely for the purposes of imparting to the hearings the confidentiality provided by regulations governing colleges and universities. Confidentiality also applies to the complainant(s), and all students involved.

**VII. AMENDMENTS**

Amendments to these procedures may be proposed in writing to the Dean of Students by any member of the University community. The Dean of Students, following consultation with the University Legal Counsel as well as others who may be pertinent, shall make a recommendation to the Vice President for Student Affairs. Reasons are to be given for the recommendation along with the specific wording of the proposed amendment, and the probable effects of implementation.

The Vice President for Student Affairs will consider the proposal and the recommendation of the Dean of Students. If the change proposed is editorial or of a minor nature, the Vice President can approve or disapprove the change. If the change proposed is substantial, the Vice President will provide a recommendation to the President of the University. The President, after reviewing the proposed amendment and the recommendation of the Vice President for Student Affairs, shall determine whether to approve the amendment, and if so, its effective date.

The Dean of Students shall fully review the Student Code at least every three (3) years. The University community will be notified of all changes through the University's route e-mail system and through The Carroll News.

**VIII. APPENDICIES**

**A. Definitions**

1. The term "University" means John Carroll University.
2. The term "student" includes all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, professional, or extension studies and those who attend post secondary educational institutions other than John Carroll University, and who reside in the University's residence halls.

Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students."

3. The term "faculty member" means any person hired by the University to conduct classroom activities. In certain situations, a person may be both a "student" and a "faculty member".
4. The term "University official" includes any person employed by the University who performs assigned administrative or professional responsibilities.
5. The term "member of the University community" includes any person who is a student, faculty member, University official, or any other person employed by the University. A person's status in a particular situation shall be determined from the surrounding facts by the Dean of Students or designee.
6. The term "organization" means any number of students joined together in the pursuit of a common purpose, which is in support of the mission, goals, and values of John Carroll University.
7. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
8. The term "Student Code" refers to any published policy, rule, or regulation found in, but not limited to, the most recent edition of the Community Standards Manual on line at [www.jcu.edu/campuslife/deanofstudents/csm/](http://www.jcu.edu/campuslife/deanofstudents/csm/), Residence Life contracts and publications, and the Graduate/Undergraduate Bulletins.
9. The term "complainant" includes any University official who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student's misconduct, that student will have the same rights under this Student Code as are provided to the Complainant, even though another member of the University community submitted the charge itself.
10. The term "accused student" means any student accused of violating this Student Code.
11. The term "Student Conduct Administrator" means a University official authorized on a case-by-case basis by the Dean of Students to recommend disciplinary actions upon any student(s) found to have violated the Student Code. A Student Conduct Administrator will be assigned as a non-voting member of the University Hearing Board and will run those hearings.
12. The term "Student Conduct Board" means any group of persons authorized by the Dean of Students to determine or recommend whether a student has violated the Student Code, and to determine or recommend disciplinary actions, as appropriate. Student Conduct Boards at John Carroll University include the Student Union Hearing Board, the University Hearing Board, and the Appellate Board. Membership on these boards is by appointment or election and can include students, faculty, staff members, and administrators.
13. The term "business day" refers to any weekday that the University is open to do business. The University calendar should be consulted for days the University is officially closed.

## **B. Acknowledgements**

This document was revised with the assistance of the following resources: "A Twenty-First Century Model Student Code of Conduct"; Marquette University's Student Code of Conduct; Fairfield University's Student Code of Conduct; and Baldwin-Wallace College's Student Code of Conduct.

Revised: September 2009

# Academic Policies

## Academic Honesty

Academic honesty, expected of every student, is essential to the process of education and to upholding high ethical standards. Cheating or any other kind of unethical behavior may subject the student to severe academic penalties, including dismissal.

All work submitted for evaluation in a course, including tests, term papers, and computer programs, must represent only the work of the student unless indicated otherwise.

Material taken from the work of others must be acknowledged properly. Materials submitted to fulfill requirements in one course may not be submitted in another course without prior approval of all of the instructors involved.

Concerns about the propriety of obtaining outside assistance or acknowledging sources should be referred to the instructor of the course before the work commences.

Penalties, appropriate to the severity of the infraction, may include a grade of zero for the assignment, possible failure in the course, suspension, or even dismissal from the University. Abuse of computer privileges may result in their restriction and possibly in more severe penalties. Instructors may indicate specific penalties for academic dishonesty in their course syllabi.

Any appeal by a student is to be made first to the instructor. If disputes of interpretation arise, the faculty member and chairperson will attempt to resolve the difficulty with the student. If this does not lead to resolution, the academic dean normally will rule in the matter.

If a penalty is imposed for academic misconduct, a written report of the incident will be sent to the academic dean. The dean will review the case and determine if, in light of other information and records, further disciplinary action is warranted.

## Dress Code

Students will be expected to adhere to dress codes that individual faculty may establish for their classes.

# Accommodations for Students with Disabilities

## Grievance Policy

In the event students believe they are not being fairly accommodated; they have the right to file a grievance. Faculty who believe an accommodation is unfair are also welcome to file a grievance. The procedure follows the same process in either case.

**Step 1:** The grievance must be presented in writing to the Director of Services for Students with Disabilities who will contact the involved parties and try to negotiate an agreement within

five (5) business days. If the complaint cannot be settled in this manner, the director will go to Step 2. All requested accommodations should be provided during the time of the processing of the grievance. The director will respond in writing as to the resolution of the grievance and any action that will be taken. In the event the complaint is against the director, the student or faculty member should go directly to Step 2.

**Step 2:** The matter will be presented, in writing, to the appropriate dean, who will contact all involved parties to discuss the grievance. The dean will contact all involved parties with a written decision within five (5) business days.

## **Alcohol and Illegal Drugs Policy**

### **POLICY**

Persons under the age of 21 are not permitted to consume alcohol under any circumstances on University premises or at any University event regardless of where the event takes place.

The University prohibits the illegal use, possession, or distribution of illegal drugs or controlled substances or association with gatherings involving such use, possession, or distribution.

Members of the University community are expected to be aware of and obey federal, state, and municipal laws or ordinances regulating the use, possession, or sale of alcoholic beverages, illegal drugs, or controlled substances. Those who are cited for violations of law or ordinances by state, federal, or municipal authorities also may face University conduct proceedings and may be required to pursue counseling and participate in an educational program or treatment.

The University reserves the right to take disciplinary action against any student for off-campus behavior that violates this policy.

### **UNIVERSITY REGULATIONS GOVERNING THE USE OF ALCOHOL**

Alcoholic beverages are allowed at John Carroll University only as specifically outlined here: (Exceptions may be granted to some parts of this policy by the Dean of Students or designee.)

1. Resident students and their guests who are 21 or older may consume moderate amounts of alcohol in University residences in the privacy of their rooms and in a manner that recognizes the rights of others. Resident students who are 21 or older may consume alcohol in the presence of an underage roommate as long as no other guests are present. In all other situations, resident students or others under the age of 21 are not permitted to be in the presence of those who are legally consuming or possessing alcohol. No drinking or carrying of open containers of alcohol is allowed in common areas such as hallways, lounges, stairwells, laundry rooms, or bathrooms. Any student who is present at gatherings involving the illegal use of alcohol is in violation of this policy.
2. The sale or purchase of any alcoholic beverage in the residence halls is prohibited.
3. If recurring patterns of irresponsible behavior by an individual, section, floor or hall should occur, permission to consume alcohol in the residence hall may be revoked by the area coordinator pending further disciplinary action.
4. Displays or possession of empty alcohol containers are not allowed in rooms of students who are under the age of 21.
5. Funnels, bongs and other devices used for the rapid consumption of alcohol are prohibited.
6. Alcoholic beverages are prohibited at University-sponsored athletic events on and off campus.

7. Drivers or passengers in University vehicles and University-sponsored vehicles may not possess or consume alcohol.
8. "Grain" alcohol is prohibited on campus except for supervised laboratory use.
9. The presence of quarter or half-kegs of beer and containers of alcohol larger than one gallon on campus must be approved in writing by the appropriate vice president or a designee for a specific University event.
10. Intoxication or alcohol abuse is not a permissible excuse for unlawful behavior or misconduct. Intoxication is prohibited of all students and their guests. Public drunkenness (identified by slurred speech, erratic behavior, or difficulty with physical coordination), disorderly conduct, property destruction, violations of rights of a roommate, intimidation, or other infringements of the rights of others as a result of alcohol use are prohibited.
11. Possession or consumption of alcohol by students in academic buildings is prohibited. Open containers of alcohol are prohibited on the campus grounds.

(The appropriate vice president or dean may grant an exception to this policy. Campus Safety Services and the Dean of Students' Office must be notified in advance.)

## **UNIVERSITY SOCIAL EVENTS WITH ALCOHOL**

1. The Director of Student Activities or designee must approve events involving alcohol where students are present. Provisions for security must be coordinated with the Director of Student Activities.
2. All alcohol must be purchased, sold, and handled by JCU Dining Services for events held in areas where JCU Dining Services holds the contract rights. Persons sponsoring activities with alcohol held in other areas of campus must obtain the appropriate permits. Alcoholic beverages are not to be sold at any event held in a University facility not covered by a state liquor license.
3. Students will be admitted to events only with a validated John Carroll University ID card AND current state identification.
4. At all events where alcohol is served, non-alcoholic beverages must be provided by the sponsor in adequate proportion to the alcoholic beverages on hand. The sponsor also must provide food.
5. No one should be coerced, even subtly, to drink or overindulge. A social event that encourages drunkenness as a theme, or the advertisement of such an event, is unacceptable and will not be permitted. Advertising or promoting alcohol as a primary attraction of an event and the marketing of alcohol by beverage manufacturers, distributors, clubs, or organizations are prohibited.
6. Alcohol cannot and will not be served to intoxicated persons.
7. For off-campus activities with alcohol, a third party vendor is required.

## **GUIDELINES FOR THE PROMOTION OF EVENTS WHERE ALCOHOL WILL BE SERVED**

1. All marketing and publicity used on-campus must never encourage violating any University policy.
2. Marketing and publicity materials must neither encourage any form of alcohol abuse nor make reference to the amount of alcoholic beverages.
3. Alcoholic beverages must not be provided as awards to individual students or campus organizations.
4. No uncontrolled sampling as part of campus marketing programs shall be permitted and no sampling or other promotional activities shall include "drinking contests."
5. Where controlled sampling is allowed by law and University policy, it must be limited as to time and quantity. The consumption of alcohol must not be the sole purpose of any promotional activity.

6. Promotional activities must not be associated with otherwise existing campus events or programs without the prior knowledge and consent of the Director of Student Activities.
7. Display or availability of promotional materials must follow the posting policy developed by the Director of Student Activities.
8. The Director of Student Activities must approve advertising or marketing for an event that has alcohol available.

## **UNIVERSITY REGULATIONS REGARDING ILLEGAL DRUG USE**

The University prohibits the illegal use, possession or distribution of any illegal drug or controlled substance or being present at gatherings involving such use, possession, or distribution. Illegal drugs or controlled substances will be considered in one's possession if on one's person, in one's room, in one's car, or in any bag or other item used to carry the drug, etc.

## **DISCIPLINARY ACTIONS**

1. Students found responsible through the John Carroll University Student Conduct System of violating the policy on alcohol and illegal drugs face penalties that include fines, probation, termination of housing contract, limitations on activities or access, required counseling or advising, performance of campus or community service work or, required residence in University approved housing as a condition of continued enrollment, suspension, or expulsion. In conjunction with other penalties, students may be required to participate in an alcohol and other drugs education course or chemical abuse evaluation.
2. Students involved in the illegal use or possession of an illegal drug or controlled substance will be referred to the Dean of Students or designee. They will face serious disciplinary actions such as suspension or expulsion unless there are significant extenuating circumstances.
3. Students involved in any way in the distribution or sale of any amount of illegal drugs or controlled substances will be suspended or expelled.
4. The University reserves the right to place a student on interim suspension from their residence hall for illegal use or possession of an illegal drug or controlled substance at any time during the academic year.

These regulations are in addition to, not substitutes for, criminal sanctions provided for in municipal, state, and federal statutes. When required by law, violations of those statutes will be reported to the appropriate law enforcement agencies.

## **NON-STUDENTS**

Non-students with no University affiliation may be referred to civil or criminal authorities.

## **EDUCATIONAL EFFORTS**

Research indicates that the abuse of alcohol and the use of illegal drugs by college students pose a serious threat to the educational environment, which includes not only the campus but the immediate neighborhood and surrounding community as well. The educational efforts of the University, therefore, are directed primarily toward educating students about the effects of using alcohol and other drugs as well as helping them to learn to make wise choices.

Free and confidential alcohol and other drug self assessments and counseling are available from the University Counseling Center for students who feel their lives are being affected by their own or another's use of alcohol or other drugs. The University Counseling Center provides the same service to those whose illegal or problematic use of alcohol and other drugs results in a referral from the John Carroll University Student Conduct System.

Referrals to a residential rehabilitation program or an intensive outpatient program are made if behavioral history, objective testing, and individual and family interviews indicate that a student needs

more help than the University Counseling Center can provide. Counseling is available to students who have successfully completed a rehabilitation program and wish to return.

## HEALTH ISSUES

Prolonged use of alcohol or episodic use of alcohol in heavy quantities can result in serious health problems and even death. Similarly, illegal drugs can cause injury or death even with first-time use. The use of illegal drugs and the abuse of alcohol tend to result in a forfeiture of one's own powers for control of one's life, leaving normal functioning and academic success seriously eroded or even abandoned.

1. **Alcohol** is a central nervous system depressant that slows the activity of the brain and spinal cord. Used in low or moderate amounts (2-3 drinks), alcohol generally results in people being more relaxed, talkative, and social. There is also some loss of judgment and efficiency even in moderate levels of use. Beyond moderate use (more than 2-3 drinks) alcohol becomes a toxin to the body and brain, damaging organs and impairing the ability to think and behave rationally. High doses can result in confusion, disorientation, unconsciousness, or even death from respiratory paralysis. Frequent, excessive use of alcohol can result in dependence and addiction.
2. **Hallucinogens** disrupt the brain chemicals that enable us to make sense out of our environment. Most of those used by college students are manufactured chemical compounds. The most common compound is LSD (lysergic acid diethylamide). It and other hallucinogens are potent and extremely unpredictable drugs that produce fast-acting and unexpected effects. The most common acute reactions are panic revolving around severe anxiety and intense fear of losing control and psychotic reactions involving severe breaks with reality and persistent hallucinations and delusions. Psychotic reactions have been known to last weeks or months and often require hospitalization. The long-term or chronic effects of LSD use are not known at this time, but many ex-users report experiencing "flashbacks" even several years after a "bad trip."
3. **Marijuana** is an illegal drug with high potential for abuse. Because it affects the way a person thinks, learns, and acts, its use is especially harmful, even dangerous, in many situations. Marijuana interferes with speech, memory, and learning and makes tasks that require a clear mind difficult, meaningless, or unsafe. It also slows reactions and interferes with coordination. Marijuana's dangers increase in combination with alcohol. Marijuana smoking also poses a serious threat to the user's lungs and heart and to the immune and reproductive systems.
4. **Inhalants** include easy-to-obtain products such as cleaning fluids, solvents, aerosols and airplane glue. They act on the central nervous system much like such volatile anesthetics as ether and chloroform and they produce bizarre perceptual and hallucinatory actions. Short-term physical effects include sneezing, lack of coordination, loss of appetite, rapid heartbeat, and seizures. Psychological effects include euphoria, exhilaration, confusion, disorientation, loss of inhibitions, and impulsive behavior that may lead to injuries and accidents. Long-term health risks include nosebleeds, loss of consciousness, hepatitis, liver failure, kidney failure, respiratory depression, blood abnormalities, irregular heartbeat, and possible suffocation.
5. **Steroids** which resemble the male sex hormone testosterone are taken orally or by injection. Short-term physical effects include depression, hallucinations, paranoia, severe mood swings and aggressive behavior. There are incidents of violent outbursts referred to as "roid rages." Long-term health risks include liver and kidney damage, heart and blood vessel damage caused by lowering levels of high density lipoprotein (good cholesterol), stroke, and jaundice along with breast enlargement, atrophy of the testicles, and impotence in men, and beard growth in women

6. **Depressants** include barbiturates, sedatives, and anti-anxiety drugs. They are usually taken orally. They depress not only the activity of the brain, causing an effect on the heart and respiration, but also muscle tissues. Short-term physical effects include drowsiness, slurred speech, irritability, stupor, and impaired judgment, memory, and attention. Long-term effects include disrupted sleep, psychosis, respiratory depression, and coma, and neuropsychological and structural brain damage. Withdrawal can produce extreme anxiety, insomnia, convulsions, and death.
7. **Narcotics** include opium, morphine, heroin, codeine and synthetic substances that can be taken orally, snorted, smoked, or injected into the skin or a vein. They relax the central nervous system and appear to be able to reduce anxiety levels, promote drowsiness, and allow sleep in spite of severe pain. Short-term physical effects include pinpoint pupils, lethargy, skin abscesses, chronic constipation, nausea, and respiratory depression. Psychological effects include anxiety, irritability, mood swings, depression, drug seeking, and antisocial behavior.
8. **Cocaine** is a white crystalline powder, often diluted with other ingredients. Crack cocaine is a light brown or beige pellet or crystalline rock that resembles coagulated soap. Cocaine is inhaled through the nasal passages or injected; crack is smoked. Cocaine speeds up physical and mental processes, creates a sense of heightened energy and confidence and alters the pleasure centers in the brain. Physical short-term effects include headache, exhaustion, shaking, dilated pupils, blurred vision, nausea, loss of appetite, palpitations, and arrhythmias. Psychological effects include impaired judgment, hyperactivity, suspicion, acute anxiety, paranoid ideation, and violence. Repeated use or use of high dosages causes long-term effects. The effect on the central nervous system suppresses the desire for food, sex, and sleep. The cardiovascular system is affected resulting in high blood pressure, irregular heart rate, damage to heart tissue, constriction of blood vessels, and stroke. Cocaine also causes neurological and respiratory damage; there is danger of respiratory arrest. It damages the mucous membranes of the nasal passages and causes sinusitis and a loss of sense of smell. The male reproductive system is also negatively affected. In women there are implications for the fetus in the event of pregnancy.

## Campus Safety

### Campus Safety Services

Timothy Peppard, Director/Chief 216-397-3021

24-Hour Dispatch 216-397-4600

Located in the D.J. Lombardo Student Center, Room 14, Lower Level.

Campus Safety Services (CSS) is responsible for providing a safe campus environment by: detecting/reporting criminal activity or safety hazards; coordinating police, fire, and emergency medical/first aid including transportation to local hospitals; providing a 24 hour-a-day, year-round on-campus escort service; enforcing parking and traffic regulations on campus; and enforcing state/local ordinances and University regulations within the University's jurisdiction. The CSS office also operates the University's parking shuttle and lost and found.

Most full-time CSS officers meet the Ohio Peace Officers Training Council standards, as prescribed by the Ohio Attorney General, and have arrest powers.

The CSS staff provides patrols 24 hours a day, 365 days a year. Service from the department can be requested directly or by calling 216-397-4600. Calls on campus can be directed from courtesy phones, office or room phones simply by dialing 4600. Also, the residence life staff (area coordinators or resident assistants) can assist in contacting the department.

CSS maintains a good working relationship with the City of University Heights Police and Fire Departments, which are prompt in responding to calls for assistance.

Crime and campus safety are concerns of the entire University community. CSS alone cannot address these problems, and the department strives to obtain active cooperation and assistance from all members of the University community.

Members of the University community are expected to act in a safety-conscious manner to maintain their safety as well as the safety of others. All criminal matters, emergencies, or suspicious person(s) should be reported promptly, any time of the day, to the department at 216-397-4600.

The department maintains a gate house at the South Belvoir campus entrance which is staffed 24 hours a day, 365 days a year, and is the central radio dispatch. The department also maintains a gate house at the Carroll campus entrance which is staffed Monday through Friday from 7:30 a.m. to 10:00 p.m. during the school year. The phone number of the Carroll gate house is 216-397-4610.

## Traffic Regulations

**Speed limit:** The speed limit on campus is five (5) m.p.h. Operating at a speed above this limit is a violation of university policy and subject to a fine of \$50.

**Safe Operation:** Vehicles operated on campus are to operate with due regard to the safety of persons and/or property. Operation in willful or wanton disregard for safety is a violation of university policy and subject to a fine of \$35.

**Complying with traffic signs:** Vehicles are to be operated/parked on campus in compliance with all traffic control devices/signs. Disobeying the instruction on a traffic control device is a violation of the university policy and subject to a fine of \$35.

**Restricted roadways:** Roadways on campus may be designated by the posting of appropriate signs for one-way traffic. Operating a vehicle in the opposite direction than designated is a violation of university policy and subject to a fine of \$35,

**Abandoned vehicles:** (non-residential students, faculty, staff) If you must leave your car overnight, please notify CSS at 216-397-1234. Parking in excess of 72 hours is a violation of university policy. The driver of any inoperable vehicle must notify CSS of the location of the vehicle, nature of the problem and how long the vehicle is expected to be inoperable.

## Parking

The Department of Campus Safety Services (CSS) at John Carroll University is primarily responsible for ensuring the safety of all persons living, working or visiting the university. This requires considerable attention to regulating the flow of traffic and the appropriate use of parking.

Rules and regulations have been developed to help govern traffic and parking on university property. Adherence to these rules will facilitate the safe and efficient use of parking areas and roadways around campus. Please read the following regulations carefully. If you have questions, please call the CSS office at 216-397-1615 or 216-397-1234 after hours. Remember, the purchase of a parking permit does not guarantee a parking space. All vehicles must be parked within the yellow painted lines marking parking spaces. Motorcycles, motorbikes and motor scooters are subject to the same regulations as automobiles. The South Belvoir entrance is open 24-hours daily. The Carroll entrance

is open Monday-Thursday from 7:00 a.m. to 10:00 p.m. and Friday-Sunday from 7:00 a.m. to 5:00 p.m. during the academic year.

**Liability for Parked Vehicles:** John Carroll University's CSS officers patrol the parking lots on a regular basis. However, JCU assumes no liability or responsibility for any vehicle and/or contents while parked on campus. Vehicle accidents on campus should be reported to the CSS department immediately.

## Parking Areas

**General parking and faculty/staff/administrator (F/S/A) parking:** A campus map, highlighting parking areas, is provided with the purchase of a parking permit. Parking in F/S/A lots is limited to vehicles with F/S/A permits (Monday-Friday from 7:00a.m. to 5:00 p.m.). General parking rules apply outside these hours and on weekends, holiday, and breaks. To ensure the safety of the campus and allow for emergency vehicle access when general parking lots become full, entrance drives will be closed and gated to prohibit additional cars from entering campus. The lots will be reopened when an adequate number of spaces become available. CSS officers have been instructed to follow this policy rather than a "one-out, one-in" approach.

**Temporary lot:** Located in front of the Administration Building, this lot is for general parking. The lot closes from 3 a.m. until 7a.m. daily. Overnight parking is not permitted.

**Rodman Visitor Lot:** Reserved and Handicap Parking at all times. Special Permit Required. Violators are subject to being towed.

**Rodman Drive:** (between O'Malley Center and Rodman Hall): Special Permit Required, Handicap Parking and Reserved Parking Permit required at all times.

**Dolan Center Garage:** Parking by permit at all times.

**Pacelli lot:** University vehicles and reserved parking only at all times. No faculty, staff, student or visitor parking at any time. Two drop off spaces are restricted to 20 minutes.

**Residence hall driveways:** No parking is permitted in residence hall driveways. These driveways are fire lanes and are only for emergency fire and police equipment. Vehicles illegally parked will be towed.

**Belvoir Lot:** The 2 rows adjacent to the natatorium, the first 2 rows south of the guard booth, and the 7 spaces in the northwest corner of the lot between the 20 minute drop off spot and the stairs to the Pacelli lot are all faculty/staff parking at all times. The 3rd and 4th rows south of the guard house are faculty/staff parking Monday -Friday 7 am to 5 pm, general parking thereafter. The remainder is general parking unless restricted by a specific sign.

**Green Road Annex lot:** Commuters and resident freshman and sophomores may obtain permits to park in the lot. **There is no overnight parking for commuters.** Shuttle service will provide transportation to and from campus, see "Shuttle Information" section for details.

## Special Parking Areas

### Reserved Parking

Areas marked with signs reading "**Reserved Parking, special permit required**" or any other **Reserved Parking** space, are reserved and enforced at all times.

**Rodman Visitor Lot:** Marked spaces next to the building and on the Auxiliary Drive directly across from Rodman Hall.

**Belvoir lot:** Spaces in the northeast corner of the lot next to the Johnson Natatorium.

**Administration Drive:** See Reserved Parking signs.

**Rodman Drive:** (between Rodman Hall and O'Malley Center) See Reserved Parking signs

**Pacelli Lot:** See Reserved Parking signs.

**Violators in reserved parking spots are subject to being ticketed and towed. NO appeals will be considered.**

## Handicapped Parking

Handicapped areas in each lot are marked and reserved for persons displaying a valid state-issued handicapped permit. Handicapped permits must be displayed in addition to a valid JCU permit.

## Visitor Parking

Visitors may obtain a parking permit at the Carroll Blvd or Belvoir Blvd. entrance to the campus. These permits are valid in any general/visitor parking lot and faculty/ staff lots outside restricted times.

## Open Parking

The JCU Rules and Regulations are still enforced. Open parking is available to those with JCU Permits and JCU Visitors from 5:00 p.m. Friday until 7:00 a.m. Monday. Open parking does not apply to Reserve Parking Spaces, the Faculty, Staff, Administrator spaces in the Belvoir Lot, the Pacelli Lot, and Rodman Visitor Lot.

## Belvoir Lot Closing - Home Football Games and other Special Events

All cars must be moved from the Belvoir parking lot by 11:00pm the night before all home football games, the St. Ignatius football game and the Cleveland Northeast Suburban College Fair. The Belvoir lot will re-open after the game/event. The 2009-2010 special events are as follows:

**Saturday, Sept. 5th; Sept. 19th** (evening game, cars must be out of the lot by 11am on the 19th); **Oct. 10th** (Homecoming); **Oct. 24<sup>th</sup>; Oct. 31th; Nov. 7<sup>th</sup>.**

Green Road Residence Hall permit holders will NOT be able to park on campus the weekend of **Oct. 23rd—25th.**

Wednesday, **Oct. 14th** 11pm through Thursday, Oct. 15th 9pm the Belvoir Lot will be closed to students for the Cleveland Northeast Suburban College Fair.

## Booting and Towing

**Parking “boot”:** If a vehicle is repeatedly parked in violation of parking rules and/or citations are unpaid, the vehicle may be immobilized by a parking boot. In order to have the boot removed, the violator will need to see CSS to resolve the issue and/or pay outstanding fines. **After 48 hours a daily boot fee will be assessed.** A vehicle may still be ticketed while booted if it is parked in violation.

**Towing:** In addition to citations, vehicles not displaying an authorized permit, or that are illegally parked, may be towed off campus at the owner’s expense. This includes any vehicle in a fire lane or blocking access to drives or passageways, vehicles parked illegally in handicapped spaces, vehicles parked illegally in reserved spaces, vehicles parked illegally in faculty/staff/administrator spaces, or vehicles parked in visitor lots without a proper permit. Vehicles with general or restricted permits may not park overnight and may be towed.

If your vehicle has been towed from the John Carroll University campus because it was illegally parked, you may claim it at United Towing Services, 21200 St. Clair Ave. (just south of I-90), Euclid, OH, 216-429-1243. It is recommended to call ahead to make arrangements for claiming your vehicle.

## Parking Citations and Appeals

Parking citations: Citation payments are to be paid to CSS, either in-person or by mail. Your copy of the citation must accompany the payment. Payment may be made in cash or by check made payable to John Carroll University. Fines unpaid after 10 business days will be charged to the student's account. The CSS office is located on the lower level of the D. J. Lombardo Student Center, room 14. In-person payments may be made during posted office hours.

Drivers of vehicles, without permits, who have unpaid tickets may be subject to civil action in the Shaker Heights Municipal Court.

**Appealing a Citation:** Citations should be appealed by submitting requests through <http://www.jcu.edu/campuslife/css/parking/appeal.htm> within 5 business days of issuance. Decisions are made by an independent committee and will be final. The driver will be notified of the outcome, as soon as possible.

**Violators in reserved parking spots are subject to being ticketed and towed. NO appeals will be considered.**

**Penalty for Nonpayment:** Failure to address parking citations may result in a vehicle being immobilized/towed at the owner's expense, and/or college administrative sanctions (e.g. blocking purchase of future parking permits, blocking future class registration, and withholding transcripts/grades).

For a complete list of parking information, go to the Campus Safety Services website at <http://www.jcu.edu/campuslife/css/parking>.

## University Heights Police Department

University Heights Police Department (U.H.P.D.) serves the University Heights community, of which John Carroll is a part. U.H.P.D. enforces all state laws and city ordinances for the safety of everybody in the community. U.H.P.D. monitors and responds to 911 calls. U.H.P.D. is located at 2304 Warrensville Center Road, and non-emergency calls or calls for information may be directed to the department at 216-932-1800.

U.H.P.D. requests that students be cognizant of the fact that tampering with or removing City street name signs and/or traffic control signs (Stop, Yield, etc.) is a criminal offense. Violators will be prosecuted.

Further, the following parking ordinances are listed for your information. These ordinances, enforced by U.H.P.D., are the most frequently violated.

**All night parking prohibited.** No parking on city streets between 2:00 a.m. and 5:00 a.m.

**Emergency Snow Ban.** No parking on city streets when snow exceeds two (2) inches. Call 216-932-5900 to verify whether or not a snow ban has been declared. Be aware that the city tows away vehicles for snow ban violations so streets can be plowed.

**Prohibited and/or limited parking zones.** No parking where prohibited or in excess of hours permitted where limited time zone signs are posted.

**Left wheels to curb prohibited.** It is illegal to park adjacent to the curb facing the opposite way of traffic.

**Fire Lanes.** Parking is prohibited in zones where a fire lane is posted.

Your cooperation in following city ordinances, traffic laws, and state laws is expected.

U.H.P.D. is the primary agency responsible for enforcing criminal conduct by JCU students occurring both on and off campus within the corporate boundaries of University Heights.

Adjudication of the enforcement activities of U.H.P.D. against JCU students is provided by the Shaker Heights Municipal Court and includes a continuous dialogue with U.H.P.D., CSS, and the Dean of Students' office.

## **Cleaning and Maintenance Policy**

When the cleaning and/or maintenance staffs are in a restroom to clean or make a repair, the entrance(s) will be closed and blocked or roped off so that the area can be cleaned and maintained in an efficient manner. During these times, students will be required to use another restroom.

## **The Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

Students should submit to the registrar, dean, chair of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University 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 University official to whom the request was submitted, that person will advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.

Students should write to the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment.

Student requests for formal hearings must be made in writing to the academic vice president who, within a reasonable time of receiving such requests, will inform students of the date, place and time of the hearing. The academic vice president, the vice president of student affairs, the associate dean for Graduate Programs, and the academic dean of the student's

college or school will constitute the hearing panels for challenges to the content of education records.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University 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 University has contracted (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. 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 responsibility. Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by John Carroll University to comply with the requirements of FERPA.

Students may file complaints with The Family Compliance Office, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202-4605.

5. The right to withhold directory information. The University has designated the following as directory information: student name, address (including e-mail 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 University 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.

## **Free Assembly Policy**

Recognizing that freedom requires order, discipline, and responsibility, and further recognizing the right of all faculty and students to pursue their legitimate goals without interference, students are free to assemble, to demonstrate, and to protest. Assemblies, demonstrations, and protests may not interfere with ingress or egress from University facilities, interrupt classes or services, injure or harass individuals or groups, or damage property.

# Firearms and Weapons Policy

John Carroll University is committed to maintaining a workplace that is free of violence. This commitment includes eliminating recognized hazards from the campus community that might contribute to violence or serious harm.

It is the policy of John Carroll University, that any student, faculty, administrator, staff, employee, visitor, volunteer, contractor and any other person ("Person") while on University controlled sites and at University directed activities, is prohibited from introducing, possessing, using, buying, or selling weapons, firearms, ammunition, explosives, or items deemed by Campus Safety Services to be dangerous.

Any Person who becomes aware of a violation of this policy is expected to immediately notify the Department of Campus Safety Services (216-397-1234).

Failure to adhere to this policy is considered a serious matter. Campus Safety Services will investigate all violations and refer to the appropriate University department or external agency all information necessary for enforcement and resolution.

The above prohibition applies regardless of whether the Person has a valid state permit to carry a firearm.

The following firearms are excluded from this prohibition:

- a. A firearm in the possession of an on-duty law enforcement officer, duly authorized to carry the firearm by his/he employing law enforcement agency, and acting on behalf of and within the scope of his/her official duties with such agency while on campus or at a University directed activity.
- b. A firearm in the possession of a campus ROTC member when part of an official ROTC function, when authorized by a professor of Military Science and after notification of the Director of Campus Safety Services.
- c. A firearm in the possession of a person who has received prior written authorization from the Director of Campus Safety Services.

As with our other conduct policies, John Carroll students are responsible for the behavior of any guest they have on campus. John Carroll students will be held accountable through the Student Conduct Process if their guests violate this policy. If you have any questions contact the Director of Campus Safety Services

Revised: July 2009.

# Hate Free Policy

John Carroll University is committed to fostering ethical and moral values that are consistent with Jesuit and Catholic traditions. Among the central values of the University are the inherent dignities of every individual as well as the right of each person to hold and to express his or her viewpoint. When these views conflict it is the obligation of members of the community to respect other perspectives.

The University welcomes students, faculty, staff, and visitors from diverse backgrounds and it works to ensure that they will find the University environment free of discriminatory conduct. It is unacceptable and a violation of University policy to harass, abuse, or discriminate against any person because of age, race, gender, ethnicity, sexual orientation, religion, or disability.

John Carroll University defines hate-motivated offenses as any conduct (harassment or physical acts) directed at an individual(s) on the basis of age, race, ethnicity, gender, sexual orientation, religion, or disability with intention to intimidate or injure an individual(s) physically, mentally, or emotionally. Hate motivated offenses compromise the integrity of the John Carroll University community and constitute violations of the "Engaging in harassment based on age, race, gender, ethnicity, sexual orientation, religion, or disability" provision of the John Carroll University Student Code of Conduct (section 2b). As in all cases of misconduct, including hate motivated offenses, both the accused student and the student who believes s/he has been a victim of the accused student's misconduct have rights that are granted through the Student Conduct Process. These rights are contained in their entirety in the John Carroll University Community Standards Manual.

Members of the John Carroll University community affected by hate-motivated offenses are strongly encouraged to report these incidents. Such offenses can be reported to a variety of offices on campus including: Dean of Students' Office, Office of Residence Life, and Campus Safety Services.

Students found responsible for hate-motivated violations are subject to a range of disciplinary actions up to and including expulsion from John Carroll University.

This policy is separate and distinct from the John Carroll University Sexual Harassment policy that can be found in the Community Standards Manual.

## **Hazing Prohibition Policy**

It is the policy of John Carroll University that hazing activities of any type are inconsistent with education and are prohibited at all times. No student, including leaders of student organizations, may plan, encourage, or engage in hazing. No student, administrator, faculty member, alumnae/i or other employee of John Carroll University may encourage, permit, condone, or tolerate any hazing activity.

Hazing is defined as doing any act or coercing another person to do any act that causes, or creates a risk of causing, psychological or physical harm to any person. Hazing includes actions or situations that could or do result in mental, emotional, or physical discomfort, embarrassment, ridicule, or endangerment whether intentional, for fun, or by consent. Hazing is also coercing another person to violate any University policy. Obvious examples of hazing include but are not limited to:

whipping, beating, or branding; forced calisthenics; exposure to weather; forced or required consumption of any food, liquor, beverage, drug, or any substance; any brutal or cruel treatment; and, any activity which subjects any student or other person to ridicule, mental stress, or undue physical endurance.

Students, administrators, faculty members, alumnae/i and all other employees of John Carroll University should be alert to possible situations, circumstances or events which might include hazing.

If hazing or planned hazing is discovered, involved students will be informed by the discovering person of the prohibition contained in this policy and will be required to end all hazing activities

immediately. All hazing activities will be reported immediately to the Dean of Students and the Director of Student Activities.

Students violate this policy if they do not report incidents of hazing or potential hazing to the Director of Student Activities or the Dean of Students. Administrators, faculty members, students, and all other employees who fail to abide by this policy may be subject to University and/or national organization disciplinary action and may be liable for civil and criminal penalties in accordance with federal, state, and municipal laws.

## **Information Technology Ethics Policy**

### **Definition**

Technological and information resources are defined to include: data; records; software; facilities; equipment; storage media; networks and network services; and electronic voice, video, and multimedia communications.

### **Policy**

University technological and information resources are provided to allow faculty, staff, and students to pursue the mission of John Carroll University, and are to be used to the extent that they promote that mission either directly in teaching and research or indirectly in supporting the offices and agencies that maintain University operations.

Technological and information resources are to be accessed and utilized in an ethical manner. All users of technological and information resources are expected to observe high moral, legal, and professional standards, and are expected to support the mission, and act in the best interests of John Carroll University.

All users of technological and information resources are responsible for the protection of University assets and for the accuracy, integrity, and confidentiality of the information to which they have access. Resources are not to be abused or employed in such a way as to interfere with, or cause harm or damage to, another person, institution, or company within or outside the John Carroll University community. While the University encourages the exploration of educational and scholarly opportunities through the use of its technological resources, respect for the rights and privacy of others must be observed.

University community members and their guests may not access the files or communications of others without authorization. Those who are authorized to access confidential files must respect the privacy rights of others and use data only for legitimate academic or administrative purposes.

John Carroll University supports accessibility to technological resources and strives to provide state-of-the-art, environmentally sound facilities for all members of the University community. The University acknowledges its responsibility to all faculty, staff, and students to provide a safe and healthful technical environment for work and study.

All members of the University community must comply with the following policies, procedures, and security controls.

## Access

Many of the technological and information resources of John Carroll University may be accessed by all members of the University community and by the public as well.

However, access to some resources is restricted to specific positions or organizational units as determined by the appropriate unit head. Organizational unit heads should determine and authorize the appropriate degree of access for each member of their units, and should provide unit members with adequate orientation and training regarding the ethical use of all technological and information resources.

Individuals should take precautions to prevent unauthorized use of their access codes (passwords). Active sessions should not be left unattended. Access codes may not be shared with others, and their confidentiality is to be strictly maintained. In choosing access codes, individuals should avoid the use of common words, proper names, readily associated nicknames or initials, and any other letter and/or number sequences that might easily be guessed. Individuals will be held accountable for all actions performed under their access codes, including those performed by other individuals as a result of negligence in protecting the codes. Individuals are responsible for monitoring access on their accounts and for changing access codes on a regular basis. If an individual's access code(s) become compromised, it (they) must be changed immediately.

### **The following activities are strictly prohibited:**

- a. Attempts to access, search, or copy technological and information resources without proper authorization;
- b. Use of accounts other than one's own individual or group account(s);
- c. The provision of false or misleading information in order to gain access to technological and information resources;
- d. Attempting to compromise internal controls, even for purposes of systems improvement; (such actions require the advance, written approval of the authorized organizational unit head, or must be included among the security evaluation responsibilities of one's position function).

Suspected activities such as those listed above should be promptly reported to the director of computing systems and services at the Department of Information Services so that timely preventative measures can be taken to safeguard the integrity of data or facilities.

## Protecting Confidentiality

Disclosure of confidential information is prohibited, unless disclosure is a normal and authorized requirement of one's position function. Individuals with access to confidential data must safeguard the accuracy, integrity, and confidentiality of that data by taking appropriate precautions and following appropriate procedures necessary to ensure that no unauthorized disclosure of confidential data occurs. Such precautions and procedures include the secure storage of data backups and the protection of sensitive data with access codes (passwords).

## Privacy

For purposes of this policy, privacy is defined as the right of an individual or an organization to create, maintain, send and receive electronic data, software, and communications files that are safe from examination and disclosure by others. John Carroll University recognizes that individuals have a substantial interest in, and reasonable expectation of, privacy. Accordingly, John Carroll University respects the privacy rights of all members of the University community.

The University will not monitor an individual's private electronic data, software, and communications files as a routine matter. Users should note that some electronic files are copied to backups and stored for indefinite periods in specific locations. In such instances, deletion of an electronic file, such as an e-mail message, will not necessarily delete a previously archived copy of that file.

It is a violation of University policy for any member of the University community to engage in electronic "snooping," or to employ technological resources for the purpose of "prying into" the affairs of others, i.e., to access or attempt to access electronic files without proper authorization to do so for genuine business purposes of the University.

The University reserves the right to access and to disclose the contents of an individual's electronic data, software, and communications files, but will do so after obtaining the proper approvals, only when a legitimate need exists and the urgency of the need is sufficiently strong to offset the University's commitment to honor the individual's privacy.

Such grounds might include: maintaining system integrity (e.g., tracking viruses and other potentially destructive software agents); protecting system security; investigating indications of impropriety; protecting the University's property rights; and meeting legal obligations (e.g., subpoenas).

## **Copyright Issues**

Copyright is a form of protection provided by law to authors of "original works of authorship" for intellectual works that are "fixed in any tangible medium of expression," both published and unpublished (Title 17, United States Code). It is illegal to violate any of the rights provided by the law to the owner of a copyright. John Carroll University respects the ownership of intellectual material governed by copyright laws.

All members of the University community must comply with the copyright laws and the provisions of licensing agreements that apply to: software; printed and electronic materials, including documentation; graphics; photographs; multimedia, including musical works, video productions, sound recordings, and dramatic works; and all other technological resources licensed and/or purchased by the University or accessible over network resources provided by the University. Individual author, publisher, patent holder, and manufacturer agreements should be reviewed for specific stipulations.

All technological and information resources developed by University employees, students, and contractors for use by the University, or as part of their normal employment activities, are considered "works for hire." As such, the University is considered the "author" and owner of these resources. Faculty rights however are governed by the regulations in the Faculty Handbook. (For information regarding the ownership of technological resources developed with grant funding, contact the dean of The Graduate School.)

## **Integrity and Protection of Technological and Information Resources**

### **Viruses**

It is the responsibility of the individual to ensure that any imported or exported executable software code or data is free of destructive codes, such as a "virus."

### **Backups**

It is the responsibility of the organizational unit head or network administrator or individual user to ensure that appropriate procedures and resources are in place to backup data on a regular basis.

Backups are to be stored in a location that is physically secure and that protects the confidentiality of the data. It is the responsibility of the individual user to insure regular backup of data stored on their individual computers and/or storage media.

### **Physical Security**

Individuals are responsible for the physical security of technological and information resources assigned to them. Organizational unit heads must help to ensure appropriate physical security by instituting and enforcing adequate policies and procedures governing entrance locks and/or for the use of the security devices made available by the University for the protection of equipment. Adequate power regulators and surge suppressors should be employed. To avoid loss by fire or theft, backups of important data must not be stored in the same locations as the original sources. Individuals are responsible at all times for the physical security of portable computers/devices that may be assigned to them.

### **University Property**

Technological and information resources that are the property of the University may not be copied, altered, manipulated, transferred, retained for personal use, or removed from campus. (The ownership of technological resources purchased with grant funding is determined by the individual granting agency. For additional information, contact the associate academic vice president.)

### **Appropriate Personal Use of University Technological Resources**

Authorization for the personal use of University technological resources by employees is to be determined on an individual basis by, and at the discretion of, the responsible unit head. The use of University technological resources, including data/voice/video networks, for revenue generating activity that benefits an individual employee is strictly prohibited. Personal telephones and data connections in student residence halls are considered to be part of the private residence. However, use of these and other University technological resources in the residence halls that is deleterious to the general University community, or that consumes excessively disproportionate resources, is prohibited.

Individuals may not attempt to alter any restrictions associated with their access privileges or to attempt to breach internal or external security systems. Individuals may not attempt to impersonate other individuals or to misrepresent themselves in any way when using University technological resources.

Individuals may not use data/voice/video networks for criminal purposes or to compromise the privacy or security of other individuals or organizations. Networks external to the University (e.g., those on the Internet, AOL, etc.) must be used in an ethical, responsible, and courteous manner; members of the JCU community must observe the policies of such entities.

### **Access or Transmission of Potentially Offensive Material**

Material might be accessible via network resources which some individuals may consider to be objectionable or offensive. John Carroll University does not encourage or endorse accessing/transmitting such material except for legitimate academic purposes.

Individuals should exercise caution and good judgment if there is a reasonable expectation that accessed/transmitted material may be considered objectionable by some. The use of University technological resources for creating or sending nuisance, harassing, or obscene materials or messages is prohibited. Individuals should be aware that University technological and information resources can be accessed by minors. Moreover, individuals are prohibited from engaging in any activity using network resources that is proscribed by federal or state law.

There are electronic forms and other materials on the Internet and elsewhere that some members of the University community may find offensive. The display of offensive material in any publicly accessible computer screens and printers may violate other University policies on acceptable behavior (i.e. harassment or discrimination). Similarly, any use of University computing or network facilities to post offensive material to electronic forums on the Internet and elsewhere may violate these University policies.

### **Reporting Suspected Violations**

Suspected violations of any provisos of this policy are to be reported to the appropriate organizational units or unit heads, which may include the Dean of Students, the Executive Director of Information Services, and the Associate Academic Vice President.

Individuals found, upon due process, to be in violation of any provisos of this policy may be subject to disciplinary action, including the loss of computer/network access privileges, suspension or dismissal from the University, and to criminal prosecution under applicable state and/or federal laws. The University reserves the right to seek restitution for any financial losses sustained by John Carroll University, or by others, as a direct result of violations of this policy.

## **Off Campus Behavior Policy**

The University reserves the right to review student misconduct that occurs off campus when such behavior reflects upon the integrity of the University. Students are reminded that they serve as representatives of John Carroll University and both positive and inappropriate behavior affect the University's image and reputation. Students are encouraged to be involved in their community in positive ways, such as community service and local government. The University desires to have students act as both responsible and mature representatives.

In the cases of inappropriate behavior off campus, the Dean of Students or designee investigates these charges and may make referrals to the Student Conduct System. [Students or organizations found responsible for violating these regulations will be subject to the same sanctions imposed for violations that occur on campus.]

As soon as students move into their new residences, they are encouraged to develop a rapport with their new neighbors. Upon arrival, students should introduce themselves, exchange telephone/cell phone numbers, and meet with their community peers on a cordial basis so that they can identify with their new neighbors as faces and personalities rather than merely as an address.

## **Student Conduct Expectations**

As stated above, students are expected to demonstrate respect for all members of the local community regardless of their place of residence. Failure to adhere to the following guidelines can result in disciplinary action.

1. Show respect for the area where you live. Signs of disrespect include, but are not limited to: littering; loitering; destruction of property; trespassing; public urination; nudity; insulting language; and illegal parking.
2. Students should operate electronic devices (stereos, etc.) at reasonable levels especially late at night and early in the morning.
3. Students should maintain an orderly residence. Evidence of a disorderly residence can include the following: house parties; violations of alcohol and drug laws; public intoxication; excessive noise; harassment; or other disregard for the rights of others.

4. Ohio law prohibits open alcohol containers in public places. Public places are those which anyone can enter freely and include sidewalks, streets, tree lawns, some outdoor areas of apartment complexes, and inside parked or moving cars.

## Overall Guiding Principles

1. Neighbors have a right to the peaceful enjoyment of their property.
2. Students living in these neighborhoods have an obligation to respect these rights and to enjoy the benefits of living in the wider community.
3. John Carroll University has a duty to work proactively with the communities surrounding the University to assist students in their transition to community living.
4. When appropriate and possible, the University should intervene swiftly to resolve issues and problems caused by students.
5. All neighbors, including businesses, churches, and landlords can collaborate to create and sustain neighborhood environments that are safe and enjoyable for all.

## Official Communication

Two official means of communication exist from the University to full-time undergraduate, graduate, and part-time students:

For resident students, each student's assigned on campus mailbox in the D. J. Lombardo Student Center. For all other students, each student's current mailing address.

For all students, each student's University issued e-mail account.

Students are expected to check their standard mail and JCU e-mail accounts on a daily basis. While students may maintain any number of e-mail accounts with other services, every student is required to maintain an active JCU e-mail account and use it for electronic communication related to University business. This requirement provides reasonable assurance that the sender or recipient of electronic messages matches his or her true identity.

## Posting Policy and Procedures

### GENERAL GUIDELINES

This policy applies to the entire JCU community including students, faculty, staff, administrators, alumni and community members. Any individual, group or department found violating this posting policy and/or procedures will be held responsible and the University will take appropriate action.

### PUBLICITY TYPES

#### ATRIUM WINDOW PAINTING

1. Atrium window painting in the D. J. Lombardo Student Center is reserved for major, campus-wide events for JCU entities only. Only one event may be publicized at one time.
2. The group must provide their own paint. Paint must be removed within 24 hours of the event.
3. If the cleaning company cleans the window, your organization or department will be charged a fee that ranges from \$100 - \$400.

4. To get permission for this form of publicity, please complete the Office of Student Activities Publicity Request Form, with the text and design attached, and submit to the Office of Student Activities (OSA) for approval.
5. After your request is approved, you may sign the atrium window calendar located in the OSA.

### **BANNERS**

1. Banners may only be hung on the wall of the Atrium across from the windows of the D.J. Lombardo Student Center and from the horizontal rail at the top of the steps. Signs may not be hung on any other wall or stairway handrail.
2. Banners may be hung for a period of one week. They will be removed after seven days or following the day of an advertised event.
3. Banners may not exceed six feet by ten feet in size and should be hung at a height of at least eight feet from the floor.
4. Exceptions may be made in the size, location and hanging duration of signs for special campus events (Homecoming, Greek Week, Parents Weekend, etc.) with the approval of the OSA.
5. Departments or organizations who wish to post beyond the guidelines written in this policy, must submit a written request to the OSA for approval.
6. All banners are approved and stamped for approval, including a removal date, by the OSA (located in Suite 201 of the D. J. Lombardo Student Center, above the bookstore)

### **CHALKING**

1. This form of publicity is available for registered student groups or departments to promote an organizational event or meeting.
2. Chalking should be on the sidewalk only and not on any buildings or trashcans.
3. Groups must provide their own chalk.
4. To get permission for this form of publicity, please complete the Office of Student Activities Publicity Request Form, with the desired text, design, and location attached, and submit to the Office of Student Activities (OSA) for approval.

### **FLOOR POSTING**

1. Floor publicity can only be displayed on the stairs from the Dining Hall level to the Intramural Gym level of the D. J. Lombardo Student Center.
2. Publicity can only be posted on the side of the steps, not the top of the steps. Blue painter's tape must be used to secure the publicity.
3. Floor posting is limited to only registered and recognized JCU student organizations. Only two (2) organizations can have publicity on the steps for up to 48 hours. After the 48 hours, publicity must be removed by the sponsoring student organization.
4. To get permission for this form of publicity, please complete the Office of Student Activities Publicity Request Form, with the text and design attached, and submit to the Office of Student Activities (OSA) for approval.
5. After your request is approved, you may sign the floor publicity calendar located in the OSA.

### **FLYERS**

1. Flyers are not permitted on any walls, windows, doors, stairwells, garbage cans or columns on campus.
2. Flyers are not permitted to advertise drink specials, events where the primary purpose is drinking, or other activities that appear to promote irresponsible or illegal alcohol use.
3. All flyers and signs should contain the name of the sponsoring organization, clearly marked, as well as contact information (phone and/or email of the sponsoring organization or department).
4. Flyers that promote messages that are contrary to the Jesuit and Catholic character and mission of the University are not permitted.
5. Flyers may be posted on established bulletin boards in any building on campus, except for the residence halls.
6. No solicitation is permitted under doors in any residence hall or buildings on campus.

7. The staff in the Office of Student Activities will post flyers on a weekly basis for external groups if they desire.
8. Only Residence Life personnel are allowed to post flyers in the common areas of the residence halls. A total of 66 copies may be taken to the Office of Residence Life for posting. The numbers are the following: 17 copies are needed for Campion and Hamlin, 14 for Sutowski and Pacelli, 14 for Murphy, and 21 for Bernet, Millor, and Dolan.
9. All flyers are approved and stamped for approval, including a removal date, by the OSA (located in Suite 201 of the D. J. Lombardo Student Center, above the bookstore).

### **NAPKIN HOLDERS**

1. Only (2) organizations can reserve the napkin holders at one time, and will be done so on a first-come, first served basis.
2. Size of advertisement is less than a half-sheet of paper with the dimensions of 6" x 4".
3. Information must list organization and contact information.
4. Napkin holders can only be placed in the Schott Dining Hall, The Underground, and the Inn Between. There are 200 napkin holders.
5. To get permission for this form of publicity, please complete the Office of Student Activities Publicity Request Form, with the text and design attached, and submit to the Office of Student Activities (OSA) for approval.

### **OUTDOOR STAKING/SIGNS**

1. Publicity staking and/or signs can be used occasionally to promote events or activities.
2. To get permission for this form of publicity, please complete the Office of Student Activities Publicity Request Form, with the text, design and location attached, and submit to the Office of Student Activities (OSA) for approval.

### **SPECIAL PRESENTATIONS/DEMONSTRATIONS**

1. Any special publicity presentation not outlined in this policy must be approved through the OSA.
2. The organization, department or group must complete the Office of Student Activities Publicity Request Form, with the text, design, or other description and location attached, and submit to the Office of Student Activities (OSA) for approval.

### **STUDENT MAILBOXES STUFFERS**

1. Flyers can be placed inside individual student mailboxes with the approval of the Office of Student Activities (OSA). There are a total of 1800 student mailboxes.
2. To get permission for this form of publicity, please complete the Office of Student Activities Publicity Request Form, attach the flyer to the request, and submit to the OSA for approval.
3. Requests must be submitted at least ten days in advance. After your request is approved, you must contact Tom Reilley in Auxiliary Services to schedule a time to stuff the mailboxes.

## **POSTING PROCEDURES**

### **POSTING APPROVAL PROCEDURE**

1. All flyers and banners are approved and stamped for approval, including a removal date, by the OSA (located in Suite 201 of the D. J. Lombardo Student Center, above the bookstore).
2. Other special publicity described above must be submitted to the OSA with the Publicity Request Form and with the text, design and other pertinent information attached.

## ENFORCEMENT AND SANCTIONS

### ENFORCEMENT

1. The OSA staff will monitor and maintain the bulletin boards, doors, and windows in the Student Center and clean off dated or unapproved fliers or banners on a weekly basis.
2. The OSA staff will monitor and maintain the bulletin boards, doors, and windows of other campus buildings (excluding residence halls) on a bi-weekly basis.
3. Faculty, staff, administrators, and students are encouraged to take down dated fliers and bring unapproved or questionable fliers to the attention of the OSA staff as needed. The office staff will follow up with any sanctions that are needed for policy violations.

### SANCTIONS FOR VIOLATIONS OF THE POSTING POLICY

Any individual, group or department found violating this posting policy and procedures will be held responsible. After an initial warning, posting privileges will be suspended. The suspension will be for a definite period of time as determined by the OSA. Student organizations that continue to violate this policy may have their posting privileges revoked. Any non-JCU person or group found posting on campus without following the posting procedures and guidelines may be charged with trespassing. Please direct any questions to the Office of Student Activities at (216) 397-4288 or [studentactivities@jcu.edu](mailto:studentactivities@jcu.edu).

## Residence Life Policies

### LIVING ON CAMPUS

Living on campus in a residence hall is a unique and wonderful experience, a catalyst for personal growth and independence. It provides innumerable opportunities to live with others who are different from yourself, to become a leader, to communicate well, to manage conflicts successfully, to make sound decisions, and to broaden your perspective on the world.

We invite you to embrace the spirit of community, take some risks willingly, meet your challenges and responsibilities honestly, learn from your mistakes humbly, and respect yourself, your neighbors, your community, and your environment energetically.

Although the University has set standards of behavior for all students, some additional guidelines are necessary for those who live together in groups of 15 to 50. During community meetings you will talk about how everyone can show each other respect. Basic expectations of everyone living in community are listed here.

**Amplified musical instruments** and drums are not permitted due to the noise levels they create. The playing of other instruments is subject to the agreement of residents in the affected areas and must adhere to the quiet hours policy.

**Athletic equipment** may not be used in the residence halls or immediately adjacent to residence hall doors and windows. This includes but is not limited to: skate boards; roller blades; lacrosse and hockey equipment; golf and baseball equipment; basketballs, bowling balls, footballs, rugby balls, soccer balls, volley balls, tennis balls and racquet balls; frisbees and scooters.

**Bikes** are not permitted in lounges or stairwells. There are no storage facilities available for bikes in the residence halls. Therefore, they must be stored in your room or outside.

**Breaks** occur at Thanksgiving, Christmas, Spring Break, Easter and the end of spring semester. All residence halls will close at specified times. Travel arrangements should be made to assure compliance with closing times because you are expected to vacate your room and building by the designated time. Although you may keep your belongings in your room, except for the end of spring semester, we recommend that you take your valuables home. You should take everything you need during break periods as access to rooms is very limited during these times.

Bernet, Dolan, Hamlin, and Murphy Halls will remain open through the end of the spring term with the exception of twelve days over the Christmas holiday when all halls will be closed. If you need to stay over a break, you must register in the Office of Residence Life. There may be a fee for staying. Guests are not permitted and all community standards will remain in effect.

**Building security** is everyone's responsibility. Carry your keys, close doors, use an escort when in another residence hall, report unescorted persons, and do not give access to unescorted guests. All residence halls are locked twenty-four hours a day, seven days a week. Propping outside doors is a security risk to all residents, and so is not permitted.

**Candles** are prohibited in residence hall rooms if the wick is burned. Burning of candles is also prohibited.

**Check-In.** Consists of signing for keys, submitting an emergency contact card, and completing a Room Condition Report. Please be thorough in completing this form. It will protect you from being held responsible for damages that existed prior to your occupancy.

**Check-out.** Occurs at the end of the contract. You are required to leave the building within 24 hours of the completion of your last exam, or by the official closing time, whichever comes first.

There are two methods for checking out. The first is "express check out" which includes signing a waiver of room inspection forfeiting your right to the appeal process and returning your keys. The second includes your personal inspection of the room with a staff member, signing your room condition report and returning your keys. Failure to choose one of these methods will result in a charge of twenty-five dollars (\$25.00) and forfeiture of using the damage appeal process.

**Cleaning** of the public areas in each of the residence halls is done on a daily basis, including weekends. A schedule for daily trash removal and cleaning of the restrooms will be posted on each restroom door. Students with a concern about cleanliness of any area are asked to submit a work request with specific details so the issue can be resolved in a timely manner. When cleaning staff (or the maintenance staff) are in a restroom to clean or make repairs, the entrance(s) will be closed and blocked or roped off and students will be required to use another restroom during that time.

**Common area space** is for every resident's use. Various lounges provide televisions, pool tables, microwave ovens, kitchens, and study areas. Residents are responsible for the daily upkeep of these areas. Therefore, your cooperation in maintaining a clean atmosphere is expected. Lounge furniture or cushions may not be removed from lounges.

**Community damage** is damage done in public areas. The public area losses or damages that are preventable and are not assignable to individuals will be billed in equal amounts to the floor or building members. It is the responsibility of all residents to be aware of their environment and to hold others accountable who vandalize property.

**Consolidation** may be necessary when numerous students are living in rooms without roommates. To make the best use of available space, students who pay the double-room rate may be required to consolidate with other students. When possible, students living alone in double rooms will be offered the opportunity to rent their double room as a "buyout" at an increased cost.

**Contracts** for University housing are legally binding documents and should be read carefully and retained for future reference. They are for the full academic year. The University reserves the right to deny a student access to University housing for sufficient cause. The University may remove from University housing a student who fails to meet proper standards of conduct and performance. Such standards include but are not limited to the terms of the Housing Contract and the regulations governing the residence halls.

**Cooking** is prohibited in the residence halls except as designated by the University. This is because of problems associated with the preparation of food in the residence halls such as rodents, insects, and potential damage to physical property, potential fire hazard, and unpleasant odors in the room/hall. Some halls have community kitchens and regulations for their use should be followed.

**Decorating.** The addition of furniture such as chairs, wardrobes, or clothes racks should be done with good judgment - mindful of safety and the ability of people to exit from your room. Any type of partition or hanging material that represents a potential fire hazard will not be permitted (i.e. banner/tapestries hanging over smoke detectors). You may hang your own curtains, but University issued drapes must be rehung before checking out of the room. Nails, thumbtacks, tape of any kind, and other devices (decals on mirrors and doors) that will damage any painted or wooden surface are not permitted. Tampering with or rewiring of electrical fixtures jeopardizes the safety of the building and is prohibited. The University reserves the right to judge what is "safe" for its buildings and occupants. Decorations used for special occasions must be of fire retardant material. All decorative lights must be for indoor use and UL approved. Live Christmas trees are not permitted in residence halls. Neon signs are prohibited in residence hall windows. When in the judgment of the University there is offensive material displayed on a door, in a window or in a room, the University reserves the right to require students to remove the display.

**Disrespect for or interference with a staff member** acting in the performance of her or his duties is considered an extremely serious offense. Any student who commits an act of disrespect against a Residence Life staff member will be subject to disciplinary action. A finding of responsibility in such a case may result in suspension or expulsion from the University.

**Electrical appliances** must be in compliance with the housing and fire codes of the City of University Heights. Each appliance must be UL approved. Approved appliances include stereos, computers, televisions, VCRs, DVD players, refrigerators (4.6 cubic feet or smaller), microwaves (1 cubic foot and 700 - 900 watts), blankets, fans, coffee makers, desk lights, hair dryers, and curling irons. Prohibited items include toasters, toaster ovens, hot plates, hot pots, sun lamps, electric skillet and woks, grills (including the George Foreman grill), oil popcorn poppers, space heaters, percolators, air conditioners, halogen bulb lamps, and potpourri burners. Only UL approved, circuit breaker type extension cords and power-strips may be used.

**Entering Student Rooms and Residences.** Authorized University representatives may enter a student's room to inspect, repair, examine, or make necessary alterations. In addition, University representatives may enter a student's room to enforce University policy; to investigate possible policy infractions; to ensure that students have vacated the room in emergency situations; to inspect for cleanliness, health, and safety; or to place, replace, repair, or remove rented equipment.

A student is not allowed to enter another student's room without permission from the occupant. University staff will only provide access to a room for the resident of that room.

No one is welcome in a John Carroll University student residence unless she/he resides in that residence hall, is a University employee working in that residence, is being hosted by a resident of that building, or is given permission by the University to do work in that building. Resident students are held responsible for the behavior of their guests. Guests always must be escorted by a resident while in the building.

**Escorting** your guests in the hallways, bathrooms, and lounges is your responsibility. This includes residents of other buildings who are visiting you.

**Fire safety** is everyone's responsibility. All fire alarms should be considered true indications of danger and the building must be evacuated as safely and quickly as possible.

While staff will attempt to alert residents to leave, it is incumbent upon each person to take personal responsibility to exit the building. Staff will indicate when people may safely return inside.

## **WHAT TO DO WHEN A FIRE ALARM SOUNDS**

Residents and their guests must evacuate the building immediately.

Feel the door with the back of your hand to test for heat.

Cover entire body with clothing, if possible, and carry an extra towel to protect face and hair.

Close the room windows and leave the drapes/blinds open.

Turn off all lights in the room except the ceiling light.

Close and lock the door.

Walk quickly and quietly.

Leave the building by the nearest exit.

Once outside the building, move away from the entrances, pair up with your roommate, move to the spot designated for your floor and do not block the street or parking lot.

## **IF YOU CANNOT LEAVE YOUR ROOM BECAUSE OF INTENSE HEAT OR SMOKE, TAKE THE FOLLOWING STEPS:**

1. Place a towel at the base of the door to prevent smoke from coming into the room.
2. Hang a sheet out of the room window to indicate that you are there.
3. Call x1234 to give Campus Safety Services your location.

A fire safety program will be conducted in each building during the fall semester.

Additionally, fire drills are conducted in each residence hall each semester. Failing to evacuate the building during an alarm will result in disciplinary action.

The University Heights Fire Marshall inspects each University building on a regular schedule. The Fire Marshall may enter any room without notification to determine if it is in violation of fire safety policies.

Causing a building to go into alarm falsely can carry grave consequences. Students may panic or may ignore the alarm believing it to be false. This may in turn cause students to become injured, overcome by smoke, or to lose their lives. Therefore, the University takes the actions of tampering with fire alarms, smoke detectors, sprinklers, and fire extinguishers which trigger an alarm very seriously.

The following will be considered as sufficient cause for immediate expulsion from the University:

***Intentionally setting a fire of any nature.***

The following will be considered as sufficient cause for immediate suspension from the University:

***Pulling a fire alarm when no danger is present.***

***Tampering with smoke detectors or sprinkler systems resulting in triggering the alarm system.***

The following will be considered as sufficient cause for immediate removal from the residence halls for a designated period of time:

***Misuse of fire extinguishers.***

***Setting off fire crackers or similar incendiary devices.***

***Tampering with the protective hood on fire alarm pull stations.***

***Leaving candles lit and unattended.***

***Removing batteries from a room smoke detector.***

***Vandalizing exit signs.***

**Gambling** is prohibited.

**Guests of residents** are permitted to stay overnight in the residence halls provided the guest is of the same sex as the hosting resident. Any guest staying longer than two nights must obtain special permission from the area coordinator.

You are reminded that you are responsible for the actions of your guests and will be held accountable for any damages, loss of property, or behavior that is initiated by your guests. You should accompany your guests at all times while on campus.

**Halogen light bulbs** can reach extremely high temperatures and have caused fires in some residence halls. They are not permitted in rooms.

**Illegal possessions.** Use or possession of fireworks, firearms, ammunition, explosives, dangerous chemicals, knives, or weapons of any kind is forbidden in University residences.

Also, motorcycles or other gas driven vehicles, gasoline, butane, and other flammable items, are prohibited.

**Incense.** Burning incense is prohibited in the residence halls.

**Insurance.** The University does NOT cover personal property that may be lost or damaged from any cause, including but not limited to fire and flooding. You should check your parent(s)/guardian(s)' homeowner's or renter's insurance to cover any potential loss. We recommend that you purchase renter's insurance if your property is not covered.

**Kegs and beer balls,** empty or full, are prohibited at all times.

**Keys** should be secured at all times. Keys may not be duplicated, sold or loaned to anyone including friends or roommates and may not be thrown/dropped out of windows for guests to obtain access to the building.

Report lost or stolen keys immediately to the Office of Residence Life. Stolen keys should also be reported to Campus Safety Services. Each lost/stolen key costs eighty dollars (\$80.00). Room locks are changed to protect both current and future residents and their belongings.

**Lockouts** are handled by the Office of Residence Life and Campus Safety Services.

Should you be locked out of your room between 8:30 a.m. and noon or 1:00 p.m. and 5:00 p.m., Monday through Friday, you may check out a temporary key in the Office of Residence Life. At any other time, your RA or another RA in your building can give you access to your room. If you cannot locate an RA, you may contact Campus Safety Services. They will contact the staff member on duty.

**Meal plans** are required for everyone living on campus. Options are limited to the seven traditional plans offered (10, 10+, 14, 14+, 19, the 175 Block, and Unlimited).

**Medical emergencies.** The University maintains that students who are 18 years old are adults and, therefore, should take responsibility for their actions and for keeping their parent(s) or guardian(s) informed of events. However, when a student is identified by the University as not competent to manage his/her life, the University reserves the right to contact parent(s) or guardian(s).

**Noise** is a common problem with so many people living together. It is extremely important to respect your neighbors at all times. Therefore, courtesy hours are always in effect. Quiet hours (sound level confined to one's room) are in effect from 9:00 p.m. to 9:00 a.m. Sunday evening through Friday morning, and 2:00 a.m. to 9:00 a.m. on Saturdays and Sundays. During finals week, quiet hours are in effect 24 hours a day.

**Painting** is done in the summer through Facilities. Because a great deal of effort is expended in the repainting of student rooms, you are not permitted to paint your room.

**Pets** are not permitted, with the exception of fish. No tank may exceed 20 gallons. Fish tanks may remain on during short breaks, but must be unplugged during Winter break.

**Propping Building entry doors** and fire doors is strictly prohibited.

**Residency Requirements** exist for all first and second year students who are not residing with a parent or guardian. Students who are at least 21 years of age are exempt from this requirement.

**Roofs and ledges** are off limits for the safety of all. You are not permitted to put shoes, food, plants, etc. on ledges.

**Room Damage** determined by the University not to be from normal wear and tear will be assessed to those assigned to the room.

#### **Roommate Bill of Rights:**

1. Freedom from undue interference. Unreasonable noise and other distractions inhibit this right. You have the right to expect that your roommate will inform you of behavior he or she finds distracting. Open communication is essential to getting along as roommates.
2. The right to sleep and study without undue disturbance from noise or guests.
3. The expectation that your personal belongings will be respected.
4. The right to a pleasant environment. Standards for cleanliness should be agreed on and fulfilled by you and your roommate.
5. The right to have reasonable amounts of privacy as agreed upon by you and your roommate.
6. The right to have guests. Guests are to respect the rights of your roommate and other hall residents as well as abide by residence life policies. Remember that you and your roommate are equally responsible for seeing that policies and guidelines are upheld in your room.

7. The right to ask residence hall staff for assistance in settling conflicts when you and your roommate cannot resolve them yourselves.
8. The right to be free from fear of physical and/or emotional harm.
9. Cooperation in the use of shared appliances (such as telephone, refrigerator, and stereo) and a commitment to honor agreed upon payment procedures.

**Room changes** are permitted according to established guidelines. There is a room freeze for all first year students during the first three weeks of the fall term. There is a room freeze for all continuing students during the first two weeks of the fall term. There is a room freeze for all students during the first two weeks of the spring term. There is also a room freeze for all residents during the last three weeks of each semester.

If you wish to change your situation, you should go to see your RA. At that time, the RA should talk with you about why you want to change rooms and have you talk with your roommate. The goal is to have you work things out with your roommate through listening and compromise.

If the RA assesses that you and your roommate have honestly tried to resolve matters and you want to move out, the RA will contact your AC. The RA will then work to get you and any prospective roommates to meet.

At that meeting, the RA will introduce you and get the conversation started. You should talk about issues that are important to you in living together (i.e., sleeping and studying patterns, musical tastes, visitors, sharing of food and property).

If you decide it is not a good match and the RA concludes that you talked honestly and the current student in that room was not just trying to be difficult or push you away, then the RA should contact the AC to let him/her know so that you can proceed onto the next possibility.

If you seem compatible, then the RA should help you move into the process of paperwork. This requires that you obtain the signatures of your current roommate, current RA, and new RA on the green card the RA provides to you. Then you should take the green card to the Office of Residence Life. This will indicate that all processes have been followed and you can fill out the necessary paperwork to complete the move.

In the event that the mediation is unsuccessful and each of you refuses to move, the following options are available:

1. You may stay together.
2. You may try mediation again with another person.
3. You may go to arbitration. Arbitration means that you will go before a board of peers who will decide who needs to move. If you choose arbitration, you are bound by the decision.

Remember that this process takes time and requires patience. If you see problems developing, please take the time to talk with your roommate. Don't let small problems turn into urgent matters.

**Room search.** Normally, resident assistants are not authorized to search student rooms except when evacuating the building during an emergency situation. If it is not during an emergency, RAs may only enter a room as necessary and observe what is in plain view. Only the director of residence life, the assistant director of residence life, an area coordinator or a person designated by the dean of students may conduct searches of drawers, closets, and other areas. When a search is conducted, the occupants will be made aware of the reason for the search, but not necessarily before the search is made. Written notification of a room search will be left in the room if the occupants are not in the room at the time of the search.

A receipt for any belongings removed during the search will be given to the room occupants. Such belongings will be returned, if and when it is safe and lawful to do so, after disposition of a case by the appropriate University or civil authority. An effort will be made to have at least two University representatives, one a Student Life staff member, present when a search of a student room is conducted.

In a criminal case or other serious emergency, the presence of a Student Life staff member may not be required.

**Room Selection for Students Placed on University Probation or Deferred Suspension** for a period of 16 consecutive weeks or longer will be limited in the options they may have for housing for the following year. Specifically, those students who are required to live in the residence halls for the following year will be assigned to a room by the Office of Residence Life after all other returning students have the opportunity to sign up. Additionally, students who have been placed on Deferred Suspension for a period of 16 weeks or longer will not be permitted to reside in Bernet Hall or any off campus properties administered by the Office of Residence Life for the following year. This will hold true even if the deferred suspension is assigned after a student has secured a spot in one of these locations or is assigned while the student is living in one of these locations. In the latter case, the student will not be permitted to renew their contract for that space for the following year.

**Screens** are not provided in most rooms. Where provided, removing or tampering with the screen is a violation. Any damage to existing screens will be billed to both residents of the room.

**Self-destructive behavior.** Any student engaged in an observable pattern of self-destructive behavior (i.e., chemical abuse, eating disorders, cutting, suicide threats) will be documented and sent through the Student Conduct System.

**Solicitation** is not permitted by any member of the University or by anyone else.

Solicitation includes, but is not limited to, selling products or services and door-to-door collections or flyer delivery. Salespeople within the halls should be reported to Campus Safety Services immediately. Residence hall staff also should be notified promptly.

Exceptions to this policy may only be granted through the area coordinator. Exceptions are only allowed for hall programs of a particular residence hall.

**Smoking** is not permitted in any residence hall or within 25 feet of the main entrances. Ashtrays are located outside near some entrances to the buildings. Building entry doors may not be propped while smoking. Please take your keys.

**Storage** is not available on campus.

**Thefts** should be reported to Campus Safety Services immediately. Your RA and area coordinator should also be notified. The University is not responsible for an individual student's belongings. You should be sure that your property is properly insured. You are strongly encouraged to lock your door when you are sleeping or away from your room.

**Throwing**, dropping or hanging of any items out of windows is strictly prohibited.

**Use of rooms** for commercial purposes is prohibited.

**Vacancies** may occur during the year. If you are left with a vacancy in your room, you are expected to welcome a new roommate. Those found to be disrespectful to residents seeking a room change, in order to dissuade them, may be charged for a buyout and sent through the Student Conduct System.

**Visitation** hours in the residence halls are limited to 11:00 am. to midnight Sunday through Thursday and 11:00 a.m. to 2:00 a.m. Friday and Saturday. Communities can further restrict hours by a 2/3 majority. The area coordinator may place restrictions on any floor, wing, or building for any length of time.

**Waterbeds** are not permitted.

**Windows** may not be used to enter or exit a building except in the case of an emergency.

**FOR YOUR ASSISTANCE**, duty offices are located by the main entrance of each hall. These offices are open 8:00pm through 1:00am Sunday through Thursday and 9:00pm through 3:00am Friday and Saturday. Resident Assistants are on duty during these times and are prepared to help you in any way possible.

**Area Coordinators have their offices in the following locations in their areas:**

Area	Office	Phone Number
Bernet, Dolan & Millor	Dolan 111	216-397-4948
Campion & Hamlin	Hamlin 127	216-397-4928
Murphy	Murphy 169	216-397-4938
Pacelli & Sutowski	Sutowski 105	216-397-4918

The AC offices are open Monday through Friday from 10:00am-12:00pm and 1:00pm-5:00pm. They have work study students who assist them and they work out of the duty offices of these halls. You can reach them by calling the numbers listed above.

## The Sex Offense Policy

### A. Policy

John Carroll University seeks to provide a community for students that promotes personal growth and development. The University asserts that respect for the rights and dignity of all people must be protected. This goal is an integral part of all aspects of University life, rooted in our Catholic and Ignatian identity, and is essential to our learning environment and academic community.

It is the policy of John Carroll University, consistent with aforementioned beliefs and values, that any sex offense is prohibited and will not be tolerated. Thus, the University reserves the right to pursue disciplinary action for sex offenses against students without regard to prosecution by criminal justice authorities. The Sex Offense Policy covers violations committed by students at John Carroll University.

All students should be aware of the consequences of sex offenses. The University urges a person who believes a sex offense has been perpetrated against him/her to seek assistance from any of the available on-campus or off-campus resources.

## B. Definitions

Sexual Assault, Non-Consensual Sexual Contact, Sexual Exploitation, Sexual Harassment, and/or Stalking can be committed by a man, woman, or group against a person or persons of the same or opposite sex. These offenses can be committed by strangers, current or former partners, friends, and acquaintances.

**Sexual Assault** is engaging in, or attempting to engage in, oral, vaginal, or anal penetration through any means (i.e., penis, tongue, finger, foreign object, etc.) without the consent (see University Consent Standard) of the other person.

**Non-Consensual Sexual Contact** includes any touching of any sexual body parts (i.e., breasts, buttocks, groin, genitals, mouth, etc.) or the touching of another with these body parts without consent. It also includes disrobing or exposure of another without consent.

**Sexual Exploitation** occurs when one engages in activity of a sexual nature which involves another person, other than Sexual Assault and Non-Consensual Sexual Contact, without the other person's consent. Examples of sexual exploitation include (but are not limited to): the non-consensual filming, photographing or otherwise recording and/or transmission of sexual activity or nudity; voyeurism or complicity in voyeurism; the knowing transmission of a sexually transmitted infection.

**Sexual Harassment** means any unwelcome sexual advances, requests for sexual favors, offensive references to gender or sexual orientation or other conduct of a sexual nature when:

- Toleration of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, professional or student status; or
- Toleration of or rejection of such conduct is used as the basis for employment or academic decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience, or creates an intimidating, hostile, or offensive work or educational environment.
- Sexual harassment can be verbal, written, physical or pictorial in nature.

**Stalking** is a pattern of two or more incidents of unwanted attention, harassment, contact, or course of conduct directed at a specific person that would cause reasonable persons to fear harm to their physical health, mental or emotional health, safety, friends, family or property. Stalking may include, but is not limited to telephone calls, text messaging, social networking, instant messaging, monitoring behavior, being in physical proximity to the person, or taking pictures.

**Incapacitation** is defined as being in a state in which a person sufficiently lacks the cognitive ability to realize that the situation is sexual, or cannot appreciate (rationally and reasonably) the nature and/or extent of that situation.

### **University Consent Standard**

- *Consent is the freely given and mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is mutually understandable when a reasonable person would consider the actions of the parties to have manifested an agreement to engage in the particular sexual activity. In the absence of mutually understandable affirmative words or actions, it becomes the responsibility of the initiator (the person who wants to engage in a specific sexual activity) to obtain affirmative consent from the other partner.*
- *Consent once given, may be withdrawn. If one partner initially offers words or actions that indicate consent, that partner may withdraw consent by indicating by word or action that consent has been discontinued.*
- *Consent for one sexual activity does not indicate consent for other forms of sexual activity. Similarly, past sexual consent does not imply future consent.*

### **Capacity for Consent**

- Consent can only be given by those with capacity to consent. Minors younger than 16 do not have the capacity to consent to sexual activity. For adults, capacity to consent is on a case by case basis. Mentally disabled persons and physically incapacitated persons may not have the capacity to give consent. One may be incapacitated temporarily as a result of mental illness, unconsciousness, or as a result of alcohol or drug consumption.
- One may not engage in sexual activity with another person when one knows or has reasonable cause to believe that person to be incapacitated due to alcohol or drug consumption or other incapacitation.

### **Coercion**

- Consent which is obtained through the use of fraud or force, whether by physical force, threats, intimidation or coercion is invalid.

## **C. Applicability**

This policy applies to all John Carroll University students. All students are encouraged to report alleged sex offenses as soon as possible. Sex offenses may be reported whether they occurred on-campus, at a University sponsored event, or off-campus.

## **D. Confidentiality and Reporting**

To the extent possible, the University will maintain the confidentiality of all parties involved in alleged sex offenses. Confidentiality, however, cannot be guaranteed. All University employees (excluding licensed professionals from the University Counseling Center and pastoral counselors) must contact John Carroll's Campus Safety Services Department or the University Heights Police Department when an allegation of a sex offense has been made. Under Ohio law, persons who know that a felony has been committed must report that information to law enforcement. For that reason, all University employees (excluding licensed professionals from the University Counseling Center and pastoral counselors [i.e. priests acting as pastoral counselors]) must comply with this policy.

## **E. Consequences**

Any student found responsible for a violation of the Sex Offense Policy will be subject to disciplinary action up to, and including, expulsion. Specific conduct procedures may be found in the Community Standards Manual. Even if John Carroll University members are not criminally prosecuted, the University can pursue disciplinary action.

In accordance with the Student Code of Conduct, the University reserves the right to impose an interim suspension on any student accused of a sex offense pending the outcome of an investigation and/or conduct hearing. The University reserves the right to issue a no-contact directive to the students involved pending the outcome of a conduct hearing.

Any student found to be harassing or intimidating another who has filed a sex offense complaint, faces serious disciplinary consequences as outlined in the Community Standards Manual.

Revised: August 2009

# John Carroll University Policy and Procedures on Sexual Harassment

Students who believe they have been victims of sexual harassment by faculty members, staff members, or administrators should refer to the Human Resources website at [www.jcu.edu/fas/docs/hrpolicies/2008\\_SH\\_Policy.pdf](http://www.jcu.edu/fas/docs/hrpolicies/2008_SH_Policy.pdf) for a detailed explanation of the policy and procedures to follow for resolution to the matter.

Students who believe they have been victims of sexual harassment by other students should make a report with Campus Safety Services. Sexual harassment by a student is considered a violation of the Student Code of Conduct and is defined by The Sex Offense Policy.

## Smoke-Free Campus Policy

John Carroll University is committed to providing a healthy, comfortable, and productive environment for the students, faculty, staff, and administration of this campus.

The United States Surgeon General in his 1986 report on Involuntary Smoking concluded:

Involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers; and the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke.

The Environmental Protection Agency (EPA) has classified smoke as a Group A carcinogen, a substance known to cause cancer in humans. The EPA does not recognize a safe level of exposure to Group A carcinogens.

In light of these findings, John Carroll University reconfirms its Smoking Policy (established August 1995) and issues this revised Smoke-free Campus Policy.

- Smoking is prohibited in all buildings on campus including residence halls.
- There are no designated smoking areas in any building on campus. Those who choose to smoke should do so outdoors.

John Carroll acknowledges the harmful effects of second-hand smoke and has made one entrance smoke-free (25-50 feet) at every building on campus. This entrance can be used by anyone, but provides a way for people to enter a building without breathing in harmful cancer causing carcinogens.

## Solicitation

Solicitation in the residence halls is prohibited so as to protect residents from unwelcome visits and possible harassment. Only residence hall organizations may solicit in their residence and then only with the approval of the area coordinator. Solicitation on University property is strictly prohibited without the prior permission of the Director of Student Activities or appropriate academic dean or department head.