

Community Standards Manual

John Carroll University

2016-2017

**[http://sites.jcu.edu/deanofstudents/
pages/community-standards/](http://sites.jcu.edu/deanofstudents/pages/community-standards/)**

The Student Conduct System is published by the
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COMMUNITY STANDARDS MANUAL

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.

I. STUDENT CONDUCT SYSTEM

STUDENT CODE OF CONDUCT

Students enrolling in John Carroll University assume an obligation to conduct themselves 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, **whether attempted or completed**, 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 alcoholic beverage 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. 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 alcoholic beverage policy <http://sites.jcu.edu/deanofstudents/pages/community-standards/alcoholic-beverage-policy/>).
- b. Violating the University drug policy. This includes, but is not limited to, misusing prescription drugs, 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. (See full University drug policy <http://sites.jcu.edu/deanofstudents/pages/community-standards/university-drug-policy-2>).

2. Lack of Respect for Others

- a. Abusing, assaulting, threatening, bullying, endangering, or harassing any person physically or verbally either intentionally or recklessly. This includes all written, oral, and electronic forms.
- b. Engaging in harassment based on race, ethnicity, gender, sexual orientation veteran status, age, national origin, disability, or religious affiliation either intentionally or recklessly. This includes all written, oral, and electronic forms.
- c. Engaging in sexual assault, sexual exploitation, sexual harassment, non-consensual sexual contact, relationship violence and/or stalking as defined by the Interpersonal Violence Policy <http://sites.jcu.edu/deanofstudents/pages/community-standards/interpersonal-violence-policy>
- d. Participating in hazing, an act which does or could endanger the emotional, mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an organization, or team whether intentionally, recklessly, for fun, or by consent.
- e. Engaging in retaliatory behavior based on reporting violations of this Code, cooperating with University investigations, and/or participating in conduct hearings.
- f. 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.
- g. Interfering with the safety and/or health of a member of the University community.
- h. Possessing, using, or selling firearms, other weapons (such as pellet, paint, or BB guns, knives, and weapons used in the practice of martial arts) or incendiary or explosive devices including fireworks on University premises.
- i. Engaging in behavior that is disruptive of the living and learning environment on campus or the living environment off campus.
- j. Throwing food or engaging in other disruptive behavior in the dining hall, Inn Between or other food service locations.

- k. Participating in lewd or indecent misconduct.
- l. Hosting guests whose actions violate University policies. It is the responsibility of all students to inform their 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.
- m. Providing assigned residence as a place for violations of University policies to occur either intentionally, recklessly, or negligently (leaving residence unsecured).

3. Lack of Respect for Property

- a. Engaging in the unauthorized entry into, use of, or occupancy of University premises.
- b. Engaging in the attempted or actual theft of, misuse of, damage to, or destruction of institutional, group, or private property, including goods, services, or other valuables.
- c. Engaging in arson or the irresponsible use of fire.
- d. Possessing property that is not your own, such as room keys, University identifications, or stolen property.

4. Lack of Respect for Authority

- a. Interfering intentionally with any normal function of a University sponsored activity.
- 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 directions of University employees acting in the performance of their duties. This includes, but is not limited to, JCUPD personnel, Residence Life staff, Cleaning staff, Facilities staff, and JCU Dining 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. Failing to appear before the Dean of Students or designee.
- h. Failing to cooperate with any University investigator, Student Conduct Administrator/Board or Panel by not being forthcoming and honest with information.
- i. Failing to comply with disciplinary actions imposed in a timely manner.
- j. Violating a printed policy issued by Academic Affairs.

5. Dishonesty

- a. Engaging in any form of dishonesty, including academic dishonesty. (See Academic Honesty Policy <http://sites.jcu.edu/deanofstudents/pages/community-standards/academic-honesty/>)
- b. Furnishing false identification to the University knowingly. Misrepresenting information about oneself or others when providing information to University officials acting in the performance of their duties.
- c. Engaging in forgery, alteration, or the unauthorized use of University records, documents, or instruments of identification (including parking passes).
- d. Misusing financial assistance (aid) through fraud and/or abuse.

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, the Community Standards Manual, the Residence Life housing contract, the Immersion and Study Abroad Agreements, 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, disciplinary action will be taken.

In most circumstances, standard actions will be used to address student behavior found to be in violation of the University's alcoholic beverage policy, drug policy, the policy regarding fire alarms and firefighting equipment, harassing behavior, and sexual assault. In most 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 situation, factors such as the nature and gravity of the incident, the motivation underlying the behavior, the student's conduct history, and precedent in similar situations 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 decisions, 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 work 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 reflection, educational conversation, personal assessment, mediation or mentoring.

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 caused. The amount 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 behaviors, fines may be imposed and the amounts depend on the violations. 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, the following: a fixed period of ineligibility for service as an officer or member of any University organization, 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) (i.e. No Contact Directive).

F. Community Probation

Community probation is a formal notice to the student that has engaged in behavior that is unacceptable in the general campus community, either on or off campus 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. Community probation is for a fixed period of time that is determined by the Student Conduct Administrator/Board or Panel. Official notice of community probation may be provided to the student's parent(s)/guardian(s) if the student is a dependent.

G. Residence Hall Reassignment

This action moves a student from the student's assigned room, floor/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 to 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 the student's 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 or Student Code 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 the student's 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 consecutive 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. Written notification of this action may be provided to the student's 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, rising sophomores who have been placed on Deferred Suspension for a period of more than 15 consecutive weeks will not be permitted to reside in Bernet Hall, Murphy Hall, or any off campus properties administered by the Office of Residence Life for the following year. Rising Juniors and Seniors wanting to live on campus will be required to meet with the Director of Residence Life for a one-on-one review of the student's conduct file. Written notification of this action may be provided to the student's 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 the student's 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 or Murphy Halls 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, the student must submit a letter to the Dean of Students or designee requesting reinstatement and provide information that the student 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. The student will be on probationary status for one year following completion of the suspension.

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.

DISCIPLINARY ACTIONS FOR STUDENT ORGANIZATIONS

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 organization is found responsible for violation of the Student Code:

- 1. 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. Notification--** to national organization representatives, officers, and/or advisors either verbally or in writing.
- 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 will be kept on 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. **Alleged violations of the Interpersonal Violence Policy will follow the procedures described within that policy.**

<http://sites.jcu.edu/deanofstudents/pages/community-standards/interpersonal-violence-policy/>

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 John Carroll University Police Department 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 incidents 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 situations where there may be a witness to an alleged violation, or in situations where students who believe they have been the recipient of another student's misconduct requests that the University pursue the incident even though they are unwilling to further participate in the process, or in situations in which pursuing the incident is in the best interest of the University, the University reserves the right to pursue an incident to its conclusion.

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 incident will be handled through an administrative hearing, a student conduct board, or a hearing panel. In some cases, the Student Conduct Administrator may offer the student(s) involved in an incident the opportunity to substitute a student conduct hearing with a student conduct conference (described below).

The involved student(s) 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 accounts and to explain what happened. A determination of responsibility will be based on conduct referrals and the information presented at the hearing. The standard for conduct decision-making at all levels of the Student Code's conduct process will be made on the basis of whether it is more likely than not that the respondent violated the Student Code.

The hearing shall follow the procedures outlined in Section III, D. During the hearing a respondent will have certain rights. (These are described in Section III, D, 2.) A written record shall be made of all administrative, board, and panel hearings. In board and panel hearings where recommendations are appropriate, the board or panel will submit its recommendations to a Student Conduct Administrator. At the conclusion of the hearing process, a respondent and a student who believes to have been the recipient of the respondent's misconduct will have the right to appeal the disciplinary decision based on the criteria listed in Section III, E.

B. Notification

1. The respondent will normally 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 the student allegedly committed. All communications to the student may be verbal, but must subsequently be confirmed in writing.
2. The written hearing notification will be given to the student in person or sent 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 <http://sites.jcu.edu/deanofstudents/pages/community-standards/official-communication> .
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, support persons, submitting information and a listing of potential disciplinary actions. Also included in the notification will be a notice as to which hearing body has been assigned to decide if a violation has occurred and, if so, what disciplinary actions should be taken.

C. Determination of Hearing Body

The Dean of Students or designee will assign incidents to be resolved to the appropriate hearing body. The severity, complexity, and the timing of the incident are factors considered in making this decision. A description of the hearing options are listed below.

1. 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 information, make a determination of responsibility or recommend the findings, and assign or recommend disciplinary action(s) as appropriate. The administrative hearing will follow the procedures outlined in Section III, D.

2. Student Conduct Board and Panels

Student Conduct Boards (Student Union Hearing Board, University Hearing Board or Panels) will conduct formal hearings on all cases assigned to them for the purposes of reviewing the information, and determining or recommending a finding of responsibility and disciplinary actions to the Student Conduct Administrator as appropriate. The non-voting board chairperson or voting panel 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 action(s) from the Student Conduct Board or Panel. The board or panel hearing will follow the procedures outlined in Section III, D.

3. 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 to have been the recipient of another student's misconduct in the incident or the alleged recipient of the behavior chooses not to participate in the hearing process, if the respondent accepts responsibility for the inappropriate behavior, and if the respondent 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:

- a. Replaces a conduct hearing;
- b. Does not require two (2) business days written notice;
- c. No written notes are kept;
- d. Usually does not involve in-person witness information;
- e. Usually considered an option only for students who have not been found responsible for prior violations of the Student Code;
- f. 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. A record of the conduct conference will be kept in the student's conduct file.

4. Organizational Hearing

An organizational hearing is a formal hearing conducted by a hearing body. This type of hearing is conducted when there is an alleged 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 assigned hearing body will review all of the information, 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:

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, D.

D. Student Conduct Hearing Procedures

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

1. Hearing Format

- a. A single record consisting of written notes, or other methods selected by the Student Conduct Administrator will be made of all hearings. 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 termination of a housing contract, suspension, expulsion, revocation of admission, revocation of degree awarded, or denial of awarding of a degree or honor, when the written record shall be retained with the student's record.
- b. The Student Conduct Administrator/Board or Panel 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 support persons will be introduced to others who are present.
- d. The respondent will be informed of the alleged violations of the Student Code and will be advised of rights specified in Section III, D, 2.
- e. The Student Conduct Administrator/Board or Panel Chairperson will read the alleged conduct charges and ask the respondent to reply.
- f. A description of what allegedly happened will be read and/or told, and the respondent will have the opportunity to reply.
- g. All communication between the students involved will be directed to the Student Conduct Administrator/Board or Panel Chairperson. The Student Conduct Administrator/Board or Panel Chairperson will decide which questions to ask of each person.
- h. The Student Conduct Administrator/Board or Panel Chairperson may reasonably limit the scope and time devoted to each matter or item of discussion during the hearing, as well as the number of persons presenting information.
- i. The Student Conduct Administrator/Board or Panel Chairperson will decide the order of witnesses and when they will be in the hearing room.
- j. During the hearing, the Student Conduct Administrator/Board or Panel members may ask questions of any person, except support persons.
- k. At the conclusion of the hearing, the students involved and support persons will be asked to leave the room. These individuals will not be present during the deliberations of the hearing body. All procedural questions are subject to the final decision of the Student Conduct Administrator/Board or Panel Chairperson.

2. Student Rights

In the hearing notification letter and again at the beginning of the hearing, the respondent will be advised of 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 treated with respect by University officials.
- b. The student is entitled to be given an explanation of the conduct system and charge(s).
- c. The student is entitled to regular updates on the status of the conduct process.
- d. The student is entitled to freedom from harassment or retaliation by others involved in the situation.
- e. The student is entitled to a "No Contact Directive", if appropriate. A No Contact Directive is an order from a University official to have no contact with a particular person or persons. (Contact is considered any verbal, written, electronic, nonverbal gesture, third party message, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating.) The University may add to the terms of No Contact to address aspects of the reported incident or concerns that have arisen during the conduct process.
- f. The student is entitled to the use of all available internal and external support services in dealing with the aftermath of the incident.
- g. The student is entitled to object to a member of a Student Conduct Board or Panel for reasons of official or personal conflict of interest.
- h. The student is entitled to choose one support person. The support person may accompany the student throughout the process including any initial meeting, conference, the hearing, and post-hearing meeting.
- i. The student is entitled to be present throughout the hearing but not during the deliberations of the hearing body.
- j. The student is entitled to know all information presented against the student and to view pertinent materials supporting the allegation against the student.
- k. The student is entitled to present pertinent information and the information of witnesses excluding character witnesses to substantiate the student's position and to respond to the charges against the student. This includes proposing questions to be asked of others involved with the exception of the support persons.
- l. The student is entitled to freedom from having irrelevant personal history discussed or considered during the conduct process. (The Student Conduct Administrator will determine relevance.)
- m. The student is entitled to submit an impact statement in writing to the hearing body. The impact statement will be reviewed only if a finding of 'Responsible' is made. This document should be provided during or prior to the conclusion of the hearing
- n. The student is entitled to remain silent (i.e. not to give information against oneself) but must be informed that the finding and outcome will be decided on the information presented.

- o. The student is entitled to written documentation of the outcome of the conduct hearing.
- p. 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. All appeals are submitted to the Dean of Students Office.
- q. The student is 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 the student's absence. Under these circumstances, the information in support of the charges shall be presented and considered. Absence from the hearing will not be considered grounds for appeal. An absence by the respondent will not be the reason to conclude that the respondent is responsible. An absence by the complainant or the student who believes to have been the recipient of the respondent's misconduct will not be the reason to conclude that the respondent is not responsible.

In incidents involving more than one respondent, the Student Conduct Administrator may decide to conduct the hearings separately or jointly.

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

4. Witnesses

The respondent is responsible for arranging for witnesses appearing on the student's behalf at the hearing. Students who believe they have been the recipient of the respondent'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 three (3) business day before the hearing, of those persons intending to provide information, whether in person or in writing. The Student Conduct Administrator 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 person.

5. Information

In all situations, the procedures will not be subject to limiting rules of information. Information will consist of oral and written accounts, incident reports, and any other material directly related to the incident. Other information may also be considered and will consist of such things as second hand reports and circumstantial information. All information must be submitted to the Student Conduct Administrator not less than three (3) business days prior to the hearing date. The Student Conduct Administrator/Board or Panel Chairperson may reasonably limit the scope of information considered in the hearing.

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

6. Support Persons

Both the recipient of the behavior and the respondent have a right to be accompanied by one support person of their choosing during the conduct process, except during deliberations.

The support person may be a friend, mentor, family member, attorney or any other person a party chooses; however, the support person cannot be someone who may be called as a witness. The role of the support person is to serve as an advisor. The support person may be present at interviews and any other proceedings the student attends but may not speak on behalf of the advisee. The parties are expected to ask and respond to questions on their own behalf. Support persons may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process.

Support persons are expected to refrain from interfering with any part of the process. All persons are required to allow University personnel to interview pertinent witnesses without interference or tampering. Any support person who steps out of their role in any meeting will be warned once and only once. If the support person continues to disrupt or otherwise fails to respect the limits of the support person role, they may be asked to leave the meeting.

The University expects that the parties will wish the University to share documentation related to the allegations with their support person. The University provides a consent form that authorizes such sharing. The party must complete this form before the University is able to share records with a support person. The parties are not otherwise restricted from discussing and sharing information relating to allegations with others who may support or assist them in preparing and presenting. Support persons are expected to maintain the privacy of the records shared with them by the University. These records may not be shared

with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any support person who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The parties must advise the Student Conduct Administrator of the identity of their support person not less than two (2) business days prior to the date of their first meeting where they desire the presence of that support person. The parties must provide subsequent timely notice to the Student Conduct Administrator if they change support persons at any time or if they decide to add a support person during the process. No audio or video recording of any kind is permitted during the conduct process

7. Substitution of Members/Quorum

When members of a Student Conduct Board or Panel believe that they are not qualified to serve on the board or panel for personal or official reasons, they may disqualify themselves. A student whose incident is before the board or panel may not object to the membership except for reasons of official or personal conflict of interest. The Board or Panel Chairperson will determine the validity of such objections and that determination shall be final. If necessary, the Board or Panel Chairperson will replace the disqualified member with a substitute.

For the purpose of hearing any incident 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 or panel shall be the decision of the board or panel.

8. Decisions and Communications

The standard for conduct decision making at all levels of the conduct hearing process is whether it is more likely than not that the respondent violated the Student Code.

At the conclusion of the conduct hearing, the respondent 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 community probation will be made by the Student Conduct Administrator/Board or Panel and communicated to the respondent in writing within five (5) business days of the conclusion of the hearing. All other findings and disciplinary actions will be made after consultation with and approval by the university official 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.

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 respondent 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. When a hearing involves a student who believes to have been the recipient of the respondent's misconduct the same process will be followed to communicate decisions to the student.

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.

E. Appeals

Overview

A conduct decision made or disciplinary action(s) assigned may be appealed by the respondent or the student who believes to have been the recipient of another student's misconduct within five (5) business days of receiving notification of the outcome of the conduct hearing by completing and submitting an Appeal Request Form <http://sites.jcu.edu/deanofstudents/pages/student-conduct/request-for-appeal>.

The three grounds for appeal are as follows:

- A procedural error or omission occurred that significantly impacts the outcome of the hearing process (e.g., substantial bias, material deviation from established procedures, etc.). Specific procedures and procedural errors must be cited; and/or
- To consider new information, unknown or unavailable during the hearing process, that could substantially impact the original finding or disciplinary action. A summary of this new information and its potential impact must be included. (Note: Failure to participate or provide information during an investigation or hearing, even if based on concern over a pending criminal or civil proceeding, does not make information "unavailable" during the process) and/or
- The disciplinary action(s) imposed are substantially outside the parameters or guidelines set by the University for this type of violation or the cumulative conduct record of the respondent.

A properly filed and timely appeal will generally stay any action(s) imposed unless doing so would be inconsistent with the University's obligations and/or it is determined by the Dean of Students that this action would present an unreasonable danger to any person or property or be disruptive to the University's living/learning environment.

Generally, within five (5) business days after receipt of the Appeal Request Form, the Vice President for Student Affairs or designee will conduct an initial review of the appeal request(s) to determine whether the appeal is timely and satisfies the grounds for appeal. Should the time to review a party's Appeal Request Form require more than five (5) business days, the parties will be notified in writing. If the appeal request is not timely or does not satisfy the grounds for appeal, the appeal request will be denied, the individual who submitted the appeal request will be notified, and the disciplinary action will stand. The decision not to accept an appeal request is final and is not subject to further appeal.

If the appeal request is timely and meets the grounds for appeal, the Vice President for Student Affairs or designee will notify the party(ies) that the appeal has been accepted. The Vice President for Student Affairs or designee will then share the appeal request with the other party (complainant or respondent if applicable), and that individual may file a response within three (3) business days. The response (if any) will be shared with the other party.

The Vice President for Student Affairs or designee will render a decision on the appeal or convene an Appeal Review Panel (ARP) to deliberate over the issues presented. The ARP consists of the Vice President for Student Affairs or designee, and two members of Student Conduct Boards who were not involved in the hearing process. Appeals are not full re-hearings of the allegation(s). The Vice President for Student Affairs/designee or ARP can take one of five possible actions:

- (1) Affirm the original findings; or
- (2) Remand the case to the original hearing body for consideration of new evidence or to remedy a procedural error or omission; or
- (3) Remand the case to a new hearing body. In a rare case where an error or omission cannot be cured by the original hearing body (as in a case of bias), the Student Affairs/designee or ARP may order a new hearing with a new hearing body; or
- (4) Administratively alter the finding if new evidence, unknown or unavailable during the original hearing, substantially impacts the original finding, and the associated disciplinary actions or
- (5) Administratively alter the disciplinary actions imposed to conform with the parameters or guidelines set by the University for this type of violation or the cumulative conduct record of the respondent.

Decisions rendered by the Vice President for Student Affairs/designee or ARP or actions taken following the decision are final and not subject to further appeal. Cases that are sent back to the initial hearing body are not eligible for a second appeal. Both parties will be simultaneously informed, in writing, of the outcome of the appeal and/or when the results of the outcome of the review are deemed final by the Vice President for Student Affairs or designee.

IV. SPECIAL CIRCUMSTANCES

A. Acts Of Violence

The person who believes to have been the recipient of the respondent's misconduct is entitled to an explanation of available options for redress, including an explanation of the student conduct system.

A no contact directive may be issued by a Student Conduct Administrator or JCUPD to parties involved in the case, including third parties. The person who believes to have been the recipient of the respondent's misconduct will be notified should that occur.

A person who reports being the recipient of violent behavior by a John Carroll University student shall have additional rights under the Student Code:

- a. The student is entitled to be treated with respect by University officials.
- b. The student is entitled to be given an explanation of the conduct system and the charge(s).
- c. The student is entitled to regular updates on the status of the conduct process.
- d. The student is entitled to freedom from harassment or retaliation by others involved in the situation.
- e. The student is entitled to the use of all available internal and external support services in dealing with the aftermath of the incident.
- f. The student is entitled to object to a member of the hearing body for reasons of official or personal conflict of interest.
- g. The student is entitled to choose one support person. The support person may accompany the student throughout the conduct process including any initial meeting, conference, and the hearing.
- h. The student is entitled to be present throughout the hearing but not during the deliberations of the hearing body.
- i. The student is entitled to view pertinent materials involved in the incident. The student is entitled to present pertinent information and the information of witnesses, excluding character witnesses to substantiate the student's allegation. This includes proposing questions to be asked of the respondent and witnesses.
- j. The student is entitled to freedom from having irrelevant personal history discussed or considered during the conduct process. (The Student Conduct Administrator will determine relevance.)
- k. The student is entitled to written documentation of the outcome of the conduct hearing.
- l. 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.
- m. The student is entitled to a "No Contact Directive", if appropriate. A No Contact Directive is an order from a University official to have no contact with a particular person or persons. (Contact is considered any verbal, written, electronic, nonverbal gesture, third party message, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating.) The University may add to the terms of No Contact to address aspects of the reported incident or concerns that have arisen during the conduct process.

- n. The student is entitled to submit an impact statement in writing to the hearing body. The impact statement will be reviewed only if a finding of 'Responsible' is made. This document should be provided during or prior to the conclusion of the hearing.

The John Carroll community encourages the reporting of crimes by recipients of behavior considered misconduct to University officials and if appropriate, outside law enforcement authorities. Sometimes, recipients of another student's misconduct are hesitant to report to University officials because they are concerned that they themselves may be accused of policy violations, such as underage drinking. It is in the best interest of this community that all acts of violence are reported to University officials. To encourage reporting, the university offers amnesty for minor policy violations not related to acts of violence.

For additional information regarding the Good Samaritan and Amnesty Policy, go to <http://sites.jcu.edu/deanofstudents/pages/community-standards/good-samaritan-policy> .

B. Emergency Administrative Action

In certain circumstances, the Dean of Students, or designee, may impose an interim action step prior to a hearing before a hearing body. 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; or 2) 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 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 information that the student does not pose, or no longer poses, a significant risk of substantial harm to the health or safety of 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 conduct hearing, if required. This interim suspension shall remain in effect until the conclusion of a full hearing and administrative decision, including the appeal process.

2. No Contact Directive

In situations involving allegations of assault, injury, harassment, or other violence, or when there is reason to believe continued contact between the respondent 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 respondent.

- 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 information 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 information 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. The student organization will be notified in writing of this action and the reasons for the interim suspension of privileges.

C. 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, such as 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 participating in service, studying abroad, participating in immersion trips, participating in student teaching or internships, participating in conferences or retreats, and/or visiting other college/university campuses.

D. Violation of Law and Student 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 respondent(s) (including an organization) and student(s) claiming to be the recipient 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 respondent(s) and the student(s) claiming to be the recipient of the behavior because there may be an impact on the educational career and chances of success in the academic community for each student. Information about the situation may only be shared with the student found responsible, the student(s) claiming to be the recipient of the behavior, their parent(s)/guardian(s) 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, go to <http://sites.jcu.edu/deanofstudents/pages/community-standards/the-family-educational-rights-and-privacy-act-2>.

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 incident in which the student may be involved.

Upon graduation, the student's conduct file will usually be destroyed unless the student is continuing at the University as a graduate student or participating in a John Carroll post-baccalaureate program. 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 transfers or permanently withdraws out of the University any conduct record will be kept for three (3) years, unless the record includes termination of a housing contract or suspension in which case the record shall be destroyed seven (7) years after final disciplinary action(s) have been completed. In the case of revocation of admission or expulsion the conduct record will be kept indefinitely.

If a student is found not responsible for all the charges filed against the student, 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 conduct process.

VI. SOURCES AND LIMITS OF AUTHORITY

Ultimate University authority and responsibility in matters of student conduct reside with 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, panels and appeal panels, and shall determine which board, panel, 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 respondent 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 and Panels

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

C. Confidentiality

Student Conduct Administrators, members of Student Conduct Boards and Panels, members of the Appeal Review Panel, and support persons 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 purpose 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

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.

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 Office of Legal Affairs 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 significant changes through the University's e-mail system.

VIII. APPENDICES

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 <http://sites.jcu.edu/deanofstudents/pages/community-standards/>, Residence Life contracts and publications, and the Graduate/Undergraduate Bulletins.
9. The term "complainant" includes any University official or student who submits a report alleging that a student violated this Student Code.

10. The term “respondent” means any student charged with 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 a University Hearing Board as well as a voting member of all hearing panels and will chair 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, Hearing Panels, and the Appeal Review Panel. Membership on these boards is by appointment or election and can include students, faculty, and staff members.
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.

Effective August 16, 2016

Academic Policies

Academic Honesty

Academic honesty, expected of every student, is essential to the process of education and to upholding high ethical standards. Cheating, including plagiarism, inappropriate use of technology, or any other kind of unethical or dishonest 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. Materials submitted to fulfill requirements in one course may not be submitted in another course without prior approval of the instructor(s).

Concerns about the propriety of obtaining outside assistance and acknowledging sources should be addressed to the instructor of the course before the work commences and as necessary as the work proceeds.

Instructors should indicate specific penalties for academic dishonesty in their course syllabi. Penalties, appropriate to the severity of the infraction, may include zero for the assignment or failure in the course. In cases of academic dishonesty where the student chooses to withdraw from a course rather than receive a course grade of “F”, the grade of “F” instead of “W” may be assigned at the faculty member’s discretion. In egregious cases and/or cases of repeat dishonesty, additional penalties may be determined by the dean, such as suspension or dismissal from the University. In a case of dismissal, Academic Dismissal will be noted on the transcript.

Any appeal by a student is to be made first to the instructor. If disputes of interpretation arise, the faculty member and chair will attempt to resolve the difficulty with the student. If this does not lead to a resolution, the appropriate associate academic dean normally will rule in the matter. A written report of the incident by the instructor or department chair will be sent to the dean of the College of Arts and Sciences, who will keep a written record of the complaint when it is filed, and will forward a copy of the complaint to the appropriate associate dean's office at the time. The associate dean will place a copy of this record in the student's file and provide the student with a copy. A written record of the complaint is kept for cases of repeat violations. The associate dean will review the case and determine if, in light of other information and records, further disciplinary action is warranted.

The student has the right to appeal the accusation of academic dishonesty if the student believes it to be in error. The Policy and Procedure for Appeal of a Charge of Academic Dishonesty can be found on pages 111-112 of the 2015/2017 Undergraduate Bulletin. The Bulletin can be accessed here (<http://webmedia.jcu.edu/deanofstudents/files/2015/08/UndergraduateBulletin2015-2017-2-3-min.pdf>).

Dress Code

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

Accommodations for Students with Disabilities

I. POLICY STATEMENT

In furtherance of its non-discrimination policies, it is the policy of John Carroll University ("John Carroll") to comply fully with state and federal laws, including the Americans with Disabilities Act (the "ADA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and to establish a procedure to ensure that grievances are fairly heard and resolved. Grievances arising under this Policy include allegations concerning accessibility, discriminatory treatment, harassment, retaliation, and other allegations of disability-related violations.

II. PURPOSE

The purpose of this Policy is to establish a grievance procedure that provides grievants with a fair and effective mechanism for resolving disability-related disputes.

III. APPLICABILITY

This Policy applies to complaints by persons alleging discrimination carried out by John Carroll faculty, staff, employees, students and third parties contracted on behalf of the University.

IV. NOTICE

John Carroll students, faculty, administration and staff shall receive notice of this Policy through a posting on the John Carroll Office of Students with Disabilities website located at: <http://www.jcu.edu/disabilities/>, and publication in Student

Bulletins.

V. POLICY ELABORATION

John Carroll strongly urges that —when appropriate — parties resolve disputes through informal and direct contact between the affected individuals and the office of Services for Students with Disabilities (“SSD”). However, there may be instances when informal efforts are ineffective or otherwise not appropriate. Persons are not required to engage in an informal resolution process, and persons who are engaged in informal resolution efforts may, at any time, elect to engage the formal grievance process set forth below.

Step 1: The grievance must be presented in writing to the Director of SSD. The SSD office is located on the Garden Level of the Administration Building, in Room A-7. The SSD mailing address is Services for Students with Disabilities, 1 John Carroll Boulevard, University Heights, Ohio 44118. The SSD phone number is (216) 397-4967. In the event the grievance is against the Director, the grievant should file the grievance with the Dean of the College of Arts and Sciences. The office of the Dean of the College of Arts and Sciences is located in the B Wing of the Administration Building in Room B101. The mailing address is Office of the Dean of the College of Arts and Sciences, 1 John Carroll Boulevard, University Heights, Ohio 44118. The phone number of the College of Arts and Sciences is (216) 397-4215

Any grievance shall: (a) clearly identify the facts and events related to the grievance; (b) identify all relevant persons and their respective roles in the dispute; (c) explain all efforts undertaken to resolve the issue prior to filing a grievance; and (d) identify any specific relief sought. Upon receipt of a grievance, the Director or the Dean shall contact the parties and provide them the opportunity to submit evidence and identify witnesses. Witness statements may be submitted in writing or be heard by the Director or the Dean. All evidence shall be submitted within twenty-one (21) days following the submission of the written statement.

The Director or the Dean shall review all relevant evidence, and shall, if appropriate, interview the parties and other witnesses. The Director or the Dean shall then consult as necessary with John Carroll’s legal counsel. Subsequently, within fourteen (14) days of receiving the evidence, the Director or the Dean shall make a finding, provided in writing to all parties, that shall identify any violations of the ADA and/or Section 504, and shall identify necessary and appropriate remedial measures that John Carroll will take to prevent recurrence of any discrimination and/or to correct any discriminatory effects. After the Director or the Dean has issued a finding, any party may make a written request that the Director or Dean engage **Step 2** within ten (10) business days after receiving the written finding.

Step 2: The Director shall submit a written statement of the matter, including the finding identified in **Step 1**, to the Dean of the College of Arts and Sciences. If the grievance is against the Director, the Dean shall submit a written report to the Provost and Academic Vice President (the “Provost”). The Dean or the Provost shall then contact all involved parties to discuss the grievance, and shall conduct further investigation as they deem necessary. The Office of the Provost is located in the Administration Building, Room AD133. The mailing address is

Office of the Provost and Academic Vice President, 1 John Carroll Boulevard, University Heights, Ohio 44118. The phone number is (216) 397-4207.

Within twenty-eight (28) days after receiving the **Step 1** findings, the Dean or the Provost shall provide all involved parties with a written decision as to whether discrimination did or did not occur as found in Step 1. All parties shall receive a copy of the written decision. In the event that the Dean or the Provost determines that a violation of the ADA and/or Section 504 has occurred, the written decision shall outline the steps that John Carroll will take to correct any discriminatory effects and to prevent recurrence of any discrimination.

Alcoholic Beverage Policy

The primary educational focus of the University is to create a safe and comfortable environment that fosters learning. Therefore, the University is committed to establishing a comprehensive program to prevent high-risk drinking behaviors as well as prevent the unlawful use, possession or distribution of alcoholic beverages. The University will work to provide an environment that supports those who choose not to drink as well as those of legal age who choose to consume alcohol responsibly.

The University expects students to recognize their personal responsibility in contributing to this learning and living environment by considering the impact of their decisions on themselves as well as the community regarding the use of alcohol. Behavior that infringes on the physical and emotional well-being of oneself or others and/or their pursuit of scholarship is unacceptable. The University does not condone underage drinking and considers intoxication (identified by slurred speech, erratic behavior, or difficulty with physical coordination), disorderliness, and/or offensive behavior deriving from the use of alcoholic beverages to be unacceptable, regardless of the person's age. Intoxication or alcohol abuse will not be accepted as an excuse for unlawful behavior or misconduct.

Persons under the age of 21 are not permitted to consume or possess alcoholic beverages under any circumstances regardless of location and may not be in the presence of those consuming or possessing alcohol in University assigned residences regardless of age.

Drinking and the carrying of open containers in public areas on University premises are not permitted (unless specifically authorized in designated areas for special events). The sale, manufacture, or purchase of any alcoholic beverage on University premises is prohibited. Drivers or passengers in University vehicles and University-sponsored vehicles may not possess or consume alcoholic beverages.

Students are responsible for the activity that occurs in their residence whether on or off campus. Therefore, students providing their residence as a place for those under 21 to consume alcoholic beverages, either intentionally or recklessly (leaving residence unsecured, not monitoring guests), is not permitted.

Student safety and drinking responsibly are the University's main priority with regard to the legal consumption of alcohol. Therefore, we expect students of legal drinking age to

set a positive example to all minors by discouraging alcohol-related behavior that is abusive to oneself or to others. 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 with the door closed and in a manner that recognizes the rights of others.

Expectations for students who reside in University assigned housing include:

1. Residents are responsible for the activity that occurs in their residence. Therefore, using their residence as a place for those under 21 to consume alcoholic beverages either intentionally or recklessly (i.e. leaving the residence unsecured, not monitoring guests) is not permitted.
2. Residents who are 21 and older may consume alcohol in the presence of an underage roommate with the door closed as long as no other guests are present. For students 21 years and older, recurring patterns of irresponsible behavior could result in revoking the privilege to consume alcoholic beverages in the residence by the Office of Residence Life pending further disciplinary action.
3. Displays or collections of empty alcohol containers are not permitted for those under 21. Displays or collections by those 21 or over need to be clean and free from debris. With the exception of flasks and shot glasses for those 21 years and older, possession and/or use of drinking games (i.e. beer pong tables purchased or handmade, funnels, bongos, shot glasses, flasks, and other devices used for the rapid consumption of alcoholic beverages) is prohibited.
4. The presence of keg beer or alcohol from other common sources is not permitted.

Members of the University community are expected to be aware of and obey federal, state, and municipal laws or ordinances regulating the use, possession, sale or manufacture of alcoholic beverages. Those who are cited for violations of law or ordinances by municipal, state, or federal authorities will also face University conduct proceedings.

The University reserves the right to take disciplinary action against any student for off-campus behavior that violates this policy. This includes study abroad and immersion experiences.

Students found responsible for first and second time violations of this policy through the conduct process will be assigned disciplinary actions that include a combination of the following: a disciplinary status such as University Warning, Community Probation, or University Probation; an educational program; a reflection exercise; community work hours; fines up to two hundred and fifty dollars (\$250.00); coach notification if applicable; parent/guardian notification; and mentoring.

UNIVERSITY SOCIAL EVENTS WITH ALCOHOL

1. The Assistant to the Vice President of Student Affairs or designee must approve events involving alcohol where students are present, additionally provisions for security must be coordinated with the Associate Director of The Office of Student Engagement.
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, campus groups, campus organizations or teams.
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 Office of Student Engagement.
7. Display or availability of promotional materials must follow the posting policy developed by the Office of Student Engagement go to <http://sites.jcu.edu/deanofstudents/pages/community-standards/posting>.

8. The Office of Student Engagement must approve advertising or marketing for an event that has alcohol available.

Cleaning and Maintenance Policy

Cleaning of the public areas in the academic and administrative buildings on campus is performed Sunday through Thursday nights on 3rd shift. The public spaces in the Student Center and Recreation Complex are primarily cleaned between 2nd and 3rd shift while the private areas (offices, classrooms, private meeting spaces, etc.) are cleaned Sunday thru Thursday nights on 3rd shift. Cleaning in 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 or maintenance of any area are asked to submit a work request with specific details so the issue can be resolved in a timely manner.

When the housekeeping or the maintenance staff are in a restroom to clean or make repairs, the entrance(s) will be closed and blocked or roped off. It is mandatory that students use another restroom during that time. The university reserves the right to take disciplinary action against any student that violates this policy.

Residence Hall Maintenance Work

- Maintenance work in residence hall common areas will normally occur between the hours of 6:00 am and 6:30 pm.
- Maintenance work in residence hall student rooms will normally occur between the hours of 10:00 am and 6:30 pm.
- The Facilities Department will not schedule specific times for maintenance work in residence hall student rooms. All maintenance requests for residence hall student rooms will be performed between the hours of 10:00 am and 6:30 pm as time and priorities allow.
- Maintenance staff will leave an orange card stating who entered the room, what date and time they were there to complete the requested work, and list the repair that was actually completed or indicate the need to return.
- True Emergency Work Requests will be addressed ASAP, regardless of the time of day. The RA, HOH on call, and/or JCUPD should be notified for all Emergency Requests.

Drones/Unmanned Aircraft Policy

At John Carroll University, the use of drones or unmanned aircraft systems for recreational use is prohibited on or over University property or at University-related activities. Drones may be used in connection with an academic course, research program, or University employment, if sanctioned and supervised by a John Carroll University staff or faculty member. The office of Regulatory Affairs and Risk Management, in conjunction with JCUPD, may approve other drone use on a discretionary basis.

Drones are defined as unmanned aircraft flown by a pilot on the ground, typically, but not always, using navigation software or equipment that displays a live video feed from the aircraft.

The full range of disciplinary actions up to and including suspension or expulsion may be considered based on the severity of the violation.

If you have a question about permissible use of a drone or whether a machine qualifies as a drone, or questions about this policy, please contact the office of Regulatory Affairs and Risk Management at 216.397.1982.

Drug Policy

ILLEGAL AND PRESCRIPTION DRUGS

The University prohibits the illegal use, possession, sale, distribution, manufacture, and/or growth of illegal, synthetic, or counterfeit drugs on University premises (includes property operated off the main campus), at any University sponsored event or program (including study abroad and immersion experiences) regardless of where it takes place. Association with (including the presence at) gatherings involving such use, possession, sale, distribution, manufacture or growth is also prohibited. Possession or use of equipment, products, or materials, that are used or are reasonably anticipated to be used in the manufacture, growth, distribution, sale, or use of illegal, synthetic, or counterfeit drugs or in the misuse, sale or distribution of prescription drugs is prohibited. Examples of equipment, products, and materials include but are not limited to bongs (purchased or home-made), pipes, rolling papers, vaporizers, scales, and grinders.

The misuse of prescription and over the counter drugs is not permitted. This includes sharing a prescription with unauthorized persons, selling a whole or partial prescription to unauthorized persons, intentionally combining a prescription with other substances, possessing/using a prescription drug not prescribed to you, and intentionally exceeding the prescribed dosage of a drug.

Students found responsible through the conduct process for the sale, distribution, manufacture, and/or growth of illegal, synthetic, and/or counterfeit drugs should expect to be suspended or expelled from the university. This also applies to students found responsible for the sale and/or distribution of prescription drugs.

Members of the University community are expected to be aware of and obey federal, state, and municipal laws or ordinances regulating the use, possession, sale, distribution, manufacture, and/or growth of illegal, synthetic, or counterfeit drugs. Those who are cited for violations of law or ordinances by, federal, state or municipal authorities may also face University conduct proceedings. The University reserves the right to take disciplinary action against any student for off-campus behavior that violates this policy.

Students should be aware of the penalties for drug violations. Students who are criminally convicted of drug offenses may lose federal or state financial aid. Students who lose aid due to drug violations can contact the Financial Aid Office at 216-397-4248 to be provided with written notice describing the ways in which the student can regain eligibility.

Medical Marijuana

House Bill 523 became Ohio law in June 2016. However, the passage of this law does

not lessen John Carroll University's obligation to uphold the federal law which classifies marijuana as a Schedule 1 Controlled Substance. Federal law prohibits the use of medical marijuana in any form, including but not limited to smoking, tinctures, topicals, edibles and oils, on John Carroll University's campus or at University-sponsored events. John Carroll University is subject to the federal Drug Free Schools and Communities Act Amendments, a federal law which mandates campus communities be free of controlled substances, including marijuana.

Since federal law overrides state law, John Carroll University observes and adopts the federal standard. Therefore, the use, possession, manufacture, cultivation, dissemination or being under the influence of medical marijuana on University property or at University-related activities is prohibited. Possessing or distributing drug paraphernalia is also prohibited whether or not the medical marijuana or paraphernalia was used on-campus, regardless of a medical permit.

The Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords eligible 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 after the day the University receives a request for access. A student should submit to the registrar, dean, chair of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes 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, misleading or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the University to amend a record, should write to the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment.

A student's request for a formal hearing must be made in writing to the academic vice president who, within a reasonable time of receiving such a request, will inform the student of the date, place and time of the hearing. The academic vice

president, the vice president for student affairs, the associate deans 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. Upon denial and subsequent appeal, if the University still decides not to amend the record, the student has the right to place a statement with the record setting forth their view about the contested information.

3. The right to provide written consent before the University discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official typically includes a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the board of directors; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of the University who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing their tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for the University.

Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. The University may disclose student information to a student's parent during health and safety emergencies, or when that student is a financial dependent of the parent, or when the student is under age 21 and has violated Federal, State or local law, or any rule or policy of the University – governing the use or possession of alcohol or a controlled substance.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Ave. S.W., Washington D.C. 20202

5. A student has 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.

A student 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.

6. The right to annual notification. The University must notify students annually of their rights under FERPA. The actual means of notification is left to the discretion of the University.

Firearms and Other Weapons Policy

John Carroll University is committed to maintaining an environment 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, and any other person ("Person") while on University property, is prohibited from introducing, possessing, using, buying, selling, carrying, or displaying any weapon or replica. Weapons are defined as any device or substance that is designed, used, or likely to be used to cause bodily harm, or property damage. Firearms are defined as any gun, rifle, pistol, handgun or device designed to fire bullets, BBs, pellets, or shots (including paint balls), or other projectiles, regardless of the propellant used. Other weapons include but are not limited to taser/stun guns, knives with fixed blades, switchblades, spring-loaded knives, pocket knives with blades longer than 2 ¼ inches, any item including kitchen utensils used for an inappropriate purpose, martial arts weapons, bows and arrows of any type, swords, brass knuckles, sling shots, explosives, or incendiary devices. This policy also covers any other items deemed by John Carroll Police Department to be dangerous, including hazardous chemical or biological material of any sort. Also included are displays/collections of the above named items, ornamental weapons and ornamental ammunition.

Any prohibited items are subject to confiscation and permanent forfeiture without any expectation of return or reimbursement.

Any Person who becomes aware of a violation of this policy has a duty to immediately notify the JCUPD (216-397-1234).

Failure to adhere to this policy is considered a serious matter. JCUPD 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 and other weapons are excluded from this prohibition:

1. A firearm or other weapon in the possession of an on-duty law enforcement officer, duly authorized to carry the firearm or other weapon by their

employing law enforcement agency, and acting on behalf of and within the scope of their official duties with such agency while on campus or at a University directed activity.

2. A firearm or other weapon 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 JCUPD.
3. A firearm or other weapon in the possession of a person who has received prior written authorization from the Director of JCUPD.

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 JCUPD.

Good Samaritan & Amnesty Policy

At John Carroll University, the safety and welfare of each member of our community is critical. The University encourages students to report medical emergencies and crises when they arise. The University recognizes that a student may be hesitant to report medical emergencies and other crises if the student is engaged in behavior that violates policy during the medical emergency or crisis. This policy seeks to provide students with amnesty from the student conduct process in such situations. This policy cannot provide any additional protection from legal action outside the University.

Self-Reporting

The University provides amnesty to individuals who are experiencing or have experienced a medical emergency or crisis while engaged in behavior that violates University policy. Depending on the situation, educational options may be explored, but no conduct proceedings or conduct record will result. In order to qualify for amnesty, the individual must proactively reach out to an RA or JCUPD (216-397-1234) for on campus emergencies or 911 for off-campus emergencies and cooperate fully with emergency and University personnel involved in the situation.

Repetitious use of amnesty requests can result in a decision by the Dean of Students Office to refuse to extend amnesty to the same person.

Example 1: An underage student has consumed several alcoholic drinks in a short time period and contacts an RA or JCUPD to receive medical attention after beginning to slur speech and lose the ability to walk normally.

Example 2: An underage student has been drinking and was sexually assaulted and contacts an RA or JCUPD.

Good Samaritan (Reporting for Others)

The University provides amnesty to students who offer help and assistance to others in crisis even if the student rendering aid was involved in behavior violating University policy when assisting the individual in need. Depending on the situation, educational options may be explored, but no conduct proceedings or conduct record will result. In order to qualify, the student rendering aid must do all of the following:

Make a good-faith call for medical or emergency help on behalf of another student, John Carroll community member, or guest, whether on-campus or off-campus. A good faith call involves calling an RA or JCUPD (216-397-1234) for on-campus emergencies or 911 for off-campus emergencies.

Remain with the individual needing medical treatment and cooperate with emergency personnel.

Meet with University officials after the incident and cooperate with any investigation of the incident.

This policy does not apply in circumstances in which the reporting student has contributed to or participated in flagrant or serious violations of the Student Code.

Example 1: A student arrives back on campus after drinking at a house party and notices another student lying unconscious on a bench just off the quad. The student calls JCUPD to seek help for the unconscious student and waits for JCUPD to arrive and provide further instruction.

Example 2: A student walks out of a residence hall and starts to smoke marijuana on the quad. A fight breaks out on the quad between two students. The student calls JCUPD to intervene and waits for JCUPD to arrive and provide further instruction. Please note: this policy would not apply if the student who started the fight called to report the fight.

Safe Harbor Provision

The University encourages students who are struggling with substance abuse or a mental health crisis to receive help. If any student freely brings their own substance use, addiction, dependency, or mental health issue to the attention of University officials, educational options will be explored but will not result in a conduct proceeding or record.

This policy does not apply in circumstances in which the reporting student has contributed to or participated in flagrant or serious violations of the Student Code.

A written plan may be used to track cooperation with the Safe Harbor program. Failure to follow the action plan may remove the Safe Harbor protection.

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.

Furthermore, each member of the John Carroll University community is expected to take an active role in fostering an appreciation for diversity and inclusion and sending the message that bias-related acts will not be tolerated. "Bias" is defined as intentional or unintentional actions targeting a person because of a real or perceived aspect of that person's identity, including (though not limited to) age, gender, religion, race, ethnicity, nationality, sexual orientation, or (dis)ability.

John Carroll University defines discriminatory and/or bias 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 (dis)ability with intention to intimidate or injure an individual(s) physically, mentally, or emotionally. Discriminatory and/or bias offenses compromise the integrity of the John Carroll University community and constitute violations of the "Engaging in harassment based on age, race, gender, ethnicity, national origin, sexual orientation, religious affiliation, disability or veteran status" provision of the Student Code (section 2b). As in all cases of misconduct, including discriminatory and/or bias offenses, both the respondent and the student who believes they have been a recipient of the respondent's misconduct have rights that are granted through the Student Conduct Process. These rights are contained in their entirety here <http://sites.jcu.edu/deanofstudents/pages/community-standards/conduct-system>.

Members of the John Carroll University community affected by discriminatory and/or bias 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, John Carroll Police Department, and/or through the Bias Incident Report here <http://sites.jcu.edu/bias/pages/report-bias>.

Students found responsible for first and second time violations of this policy through the conduct process will be assigned disciplinary actions that include a combination of the following: a disciplinary status such as University Probation, Deferred Suspension, Suspension, Expulsion; an educational program; parent/guardian notification; and coach notification if applicable. Go to <http://sites.jcu.edu/deanofstudents/pages/student-conduct/minimum-disciplinary-actions/> for a specific list of actions associated with this policy.

Hazing Prohibition Policy

Hazing is antithetical to the values of John Carroll University because hazing degrades and dehumanizes members of the John Carroll community. Therefore, hazing in any form is prohibited. Hazing is dangerous and can lead to social ostracism, preventing members of the John Carroll community from fully participating in all aspects of the university experience. As such, hazing violates John Carroll University's commitment to providing a positive environment for student learning, development and growth. In addition, hazing is prohibited by Ohio law.

Scope

This policy applies to all individuals, groups, organizations and teams associated with John Carroll University in any way. This policy applies on-campus and off-campus, including all residence halls, campus buildings, athletic competitions, parking lots, University events and off-campus housing associated with the University or its students, faculty and staff. This policy extends to alumni as well.

Hazing Defined

Hazing is any planned/executed action or activity by or against an active member, associate member, new member, or potential member of a group, organization, or team that causes, or creates a risk of causing harm, to any person regardless of location, consent or intention of participants. For the purposes of this policy, "harm" includes, but is not limited to, anxiety, disgrace, distress, embarrassment, emotional, mental, or physical pain, endangerment, harassment, humiliation, or ridicule.

Hazing also includes creating any situation, obstacle or impediment or taking any action interfering or prohibiting another from meeting academic, professional, or personal obligations. Coercing another person to violate University policy also qualifies as hazing.

Additionally, hazing includes forcing the performance of any act as an explicit or implicit condition for initiation into, admission into, affiliation with, or continued membership in a group, organization or team.

Please note: the definition of hazing applies whether or not the participants or others involved perceive the behavior as voluntary. The implied or expressed consent of any person involved does not exempt a person from responsibility under this policy. Moreover, assertions that the conduct or activity was not part of an official group, organization, or team event or was not officially sanctioned or approved by the group, organization, or team provides no exemption from responsibility. A determination of whether or not an activity constitutes hazing depends not only on the intent of the individuals leading the activity but also the perception of a reasonable person or the individual(s) participating in the activity.

Listed below are examples of the most common types of hazing. Please note that this is not an exhaustive list as actions beyond those in this list can still be considered hazing.

- Creation of excessive fatigue
- Deprivation of food or water

- Engagement in compulsory public stunts or morally degrading or humiliating games/activities including the wearing of costumes which are conspicuous and not normally in good taste.
- Exposure to weather
- Forced engagement in an act or activity that is against the individual's religious or moral beliefs
- Forced ingestion of any substance (including alcohol and drugs) or any food or drink
- Forced physical activity
- Physical and psychological shocks
- Public displays unreasonably disruptive to other members of the campus or public
- Required quests, treasure hunts, scavenger hunts, or road trips
- Violation of University policies.

The above examples are not necessarily hazing per se. Whether an action constitutes hazing is governed under the standard of whether it is more likely than not, considering the situation and all the circumstances and facts. If you have questions about whether an action constitutes hazing rather than a constructive, formative experience, call the Dean of Students Office at 216.397.3010.

Accountability

Individuals or groups participating in, soliciting, directing, aiding, or conducting a hazing activity may be found responsible for violating this policy. Further, any students or groups witnessing these activities may also be found responsible for violating this policy. In addition, refusing to identify other students, members of a group, organization, or team who engaged in hazing activities may result in additional disciplinary actions. Any retaliation against cooperating/reporting individuals is strictly prohibited and will be met with increased disciplinary actions over and above those outlined in this policy.

Disciplinary Actions

Anyone found in violation of this policy faces severe sanctions, up to and including suspension or expulsion.

Student organizations, groups, or teams found in violation of this policy face severe sanctions, up to and including loss of privileges to travel or organize and could lose official recognition from the University.

Reporting

All hazing activities involving sex, gender, gender identity, gender expression and/or interpersonal violence must be reported immediately to the Title IX Coordinator (216.397.6699).

All other hazing activities must be reported immediately to the Dean of Students Office (216.397.3010), the Senior Director of Student Engagement (216.397.4288) or JCUPD (216.397.1234).

If a member of the John Carroll community reports a possible hazing incident and cooperates fully as a witness in the investigation and conduct process, such cooperation

will be taken into account when determining appropriate disciplinary actions. Retaliation against anyone reporting or participating in University conduct processes is strictly prohibited.

Criminal Proceedings

Whatever the outcome of the University conduct procedure, individuals involved in alleged hazing activities could still face penalties under Ohio law (revised code section 2903.31).

Information Technology Policies

- **Resources Policy**

- I. **POLICY STATEMENT**

John Carroll University provides information technology resources to allow faculty, staff, and students to pursue the University's educational mission, which includes teaching, learning, service, research and administration. Thus, Information Technology Resources ("IT Resources"), as defined in this policy, must be used in a manner that furthers the University's mission.

Any access or use of information technology resources that conflicts with this Information Technology Resources Policy ("Policy" or "IT Policy") or any other University policy is not acceptable and will be considered a violation of this Policy. Additionally, any activity that interferes, interrupts, compromises, or conflicts with the safe and efficient use of IT Resources is considered a violation of this Policy. This Policy shall apply to all Users including, but not limited to, students, employees (faculty and staff), guests, affiliates, vendors and independent contractors. Use of IT Resources, even when carried out on a privately owned computer that is not managed or maintained by the University, is governed by this Policy. This Policy supersedes any existing policies and procedures that are in conflict with the terms of this Policy. For complete information go to <http://sites.jcu.edu/its/pages/policies/>

- **Sensitive Data and Security Policy**

- I. **POLICY STATEMENT**

The ability to collect and process information for administrative and academic purposes is critical to the University's mission. Information collected and processed may include personal information regarding students, employees or alumni. Users operating or utilizing JCU computing resources are responsible for managing and maintaining the security of the data, computing resources and protected information, including Sensitive Data. Protecting such information is driven by a variety of considerations including legal, academic, financial, and other business requirements. This is especially true if Sensitive Data is being sent via e-mail. In this age of mobility, e-mail is often carried on unsecured mobile devices.

Sensitive Data will not be collected, accessed, disclosed or transmitted except as provided by University policy and procedures, or as required by operation of law or court order. All members of the University community have a responsibility to protect the confidentiality, integrity, and availability of Sensitive Data from unauthorized generation, access, modification, disclosure, transmission, or destruction. JCU must protect Sensitive Data and comply with laws and other University policies regarding the protection and use of Sensitive Data. This Policy provides a framework in order to ensure the privacy and security of that data. For complete information go <http://sites.jcu.edu/its/pages/policies/>

John Carroll Police Department

Crime and campus safety are concerns of the entire University community. JCUPD seeks your assistance toward keeping our campus safe by taking responsibility for your safety and that of others. This includes promptly reporting all crimes, student conduct violations, dangerous behavior, suspicious activity, and safety hazards.

Police Officers working for JCUPD investigate crimes and student conduct violations which affect students both on and off campus. All students are required to fully cooperate in these investigations. Campus police officers can provide assistance in connecting to campus and community resources, local police and other services as needed. JCUPD is a ready resource available 24 hours a day, 7 days a week. A dispatcher can be reached at all times by calling 216-397-1234.

TRAFFIC REGULATIONS

Speed limit: The speed limit on campus is fifteen (15) M.P.H. Operating at a speed above this limit is a violation of university policy and subject to a fine of \$50.00.

Safe Operation: Vehicles are expected to be operated on campus with due regard to the safety of people and property. Both drivers and pedestrians must be mindful of each other at all times. Drivers are prohibited from the use of electronic wireless devices while driving as well as other distractions while operating any vehicle on campus. Fines for operating a vehicle while distracted or in an unsafe manner are \$35.00 to \$100.00.

Complying with traffic signs: Vehicles are to be operated/parked on campus in compliance with all traffic control devices/signs. Disregarding the instruction on a traffic control device is a violation of University policy and subject to a fine of \$35.00.

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 \$35.00.

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

PARKING

Students are expected to be aware of and follow parking rules/regulations/signage and special announcements, available on the JCUPD "Parking" website <http://sites.jcu.edu/parking/> and publicized through e-mail and Inside JCU communications.

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 allegations and may make referrals to the Student Conduct System. (Students or organizations found responsible for violating these regulations will be subject to the same disciplinary actions 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. Operate electronic devices (stereos, tvs,) at reasonable levels especially late at night and early in the morning.
3. 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, unless specifically designated otherwise. 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 all students, each student's University issued e-mail account.

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.

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 one's true identity.

Posting Policy and Procedures

This policy has been designed to ensure that John Carroll University students, faculty, and staff have equal access to common posting areas in order to promote events and activities, to avoid violations of fire and safety codes, to ensure compliance with applicable laws and regulations, and to preserve the aesthetic quality of the campus.

Posting on University property is a privilege, and therefore, the University reserves the right to regulate the posting and distribution of all publicity. General guidelines for all members of the community are included in this policy with additional instructions outlined for student groups and non-University groups.

Posting Restrictions

Location – No flyers are permitted on any walls, windows, doors, stairwells, elevators, garbage cans, columns, light posts, signs, statues, artwork or ornamental surfaces on campus. Posting is not permitted on glass (except where noted), mirrors, masonry walls, and painted surfaces (including doors). There may be some exceptions to this in residence halls. Chalk postings should be on the sidewalk only and not on any buildings or trash cans.

Content – No libelous material shall be posted. Material, including chalking, must abide by all of other University policies, including but not limited to the Student Code of Conduct, the Interpersonal Violence Policy, the Hate Free Policy, and the Student Organization Political and Campaign Activities Policy. No flyers are allowed to advertise drink specials, events where the primary purpose is drinking, or other activities that appear to promote irresponsible or illegal alcohol or drug use.

Student Activity Fee Logo

Student organizations must include the **SAF logo** on any publicity that promotes a program funded in whole or in part by the budget board.

General Posting Instructions

Student groups and non-University groups

1. All promotional materials and advertisements must have the “approved for posting” notice displayed on each promotional piece prior to posting. All posters/flyers from student organizations or outside groups must be approved in advance by the Office of Student Engagement (OSE). Students should bring the original flyer to the Office of Student Engagement for approval before making copies. Chalking is only available to student groups, and requires approval in advance. Please complete the Office of Student Engagement Request Form **click here** with the desired text, design, and locations attached, and submit to the Office of Student Engagement for approval. Groups must provide their own chalk.
2. The following information must be included on all postings: the name of the event; sponsoring organization; contact information including name, phone

number, and e-mail address; and event time, place and admission cost, if applicable.

3. All postings must be dated and removed by the date stamped on the flyer or within three (3) business days following the event date. The sponsoring organization/group is responsible for removing all flyers and posters following the event.
4. Posting is permitted on seven common area bulletin boards only (only one per bulletin board). Posting may also be permitted on departmental bulletin boards with permission of the appropriate department.

University Departments

1. Flyers and chalking sponsored by a University department do not require content approval from the Office of Student Engagement prior to posting, but must follow all other posting guidelines and university policies, including compliance with the University's guidelines for political and campaign activity at JCU implemented by the University Office of Government Relations.
2. Departments may post information on the inside glass within their departments with permission of the chairs. Postings of signage on the exterior grounds and/or buildings can only be done with the permission of the Facilities Office (216-397-4314). *Note: Stanchions may be available through the Facilities Scheduling Office (216-397-1500) for special events on campus. Faculty and departments may obtain approved bulletin/posting board/bars for their walls adjacent to their doors through the Facilities Office at a nominal cost.
3. Flyers are permitted to be posted on faculty and staff members' doors with blue tape.

Sanctions and Questions

Failure to abide by these guidelines will result in the removal of flyers/posters/signs or chalking and may result in loss of posting privileges. Charges/fines may be imposed for the removal of flyers/posters/signs that have expired, are posted in unacceptable locations, or require repair of surfaces due to damage during removal. Charges/fines may also be imposed for removal of chalk in inappropriate locations, or chalking that does not comply with the requirements of this policy or another University policy, including the Student Code of Conduct and the Student Political and Campaign Activities Policy. Any non-JCU person or group found posting around campus without following the posting procedures and guidelines may be charged with trespassing.

Enforcement

The Office of Student Engagement will monitor and maintain the bulletin boards, doors, and windows in the Student Center and clean off dated or unapproved flyers or banners on a weekly basis.

The Auxiliary Services and Housekeeping departments will monitor unauthorized postings in administrative common buildings except where noted above.

Faculty, staff and students are encouraged to take down dated flyers and bring unapproved or questionable flyers or chalking to the attention of the Office of Student

Engagement staff as needed. The office staff will follow up with any sanctions that are needed for policy violations.

General policy questions can be directed to the Director of Purchasing & Auxiliary Services at 216-397-3025. Content and questions regarding postings by students and non-University groups should be directed to Office of Student Engagement at 216-397-4288 or studentengagement@jcu.edu.

GUIDELINES FOR SPECIFIC TYPES OF PUBLICITY

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 unless approved by the OSE.
2. The group must provide their own paint (use water based poster paint only please!). 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 Engagement Publicity Request Form, with the text and design attached, and submit to the OSE for approval.
5. After your request is approved, you may sign the atrium window calendar located in the OSE.

BANNERS

1. Banners may only be hung on the wires of the perimeter of the Atrium across from the windows of the 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 after stamped for approval by the OSE. They will be removed after seven days or following the day of an advertised event.
3. Banners may not exceed three (3) feet wide by six (6) feet long 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 (e.g. Homecoming/ Family Weekend, Greek Week, etc.) with the approval of the Office of Student Engagement.
5. Student organizations who wish to post beyond the guidelines written in this policy, must submit a written request to the Office of Student Engagement for approval.
6. University departments who wish to post beyond the guidelines written in this policy must get the approval of the Office of Auxiliary Services.
7. All banners are approved and stamped for approval, including a removal date, by the Office of Student Engagement (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. Chalkings should be on the sidewalk only and not on any buildings or trash cans.
3. Groups must provide their own chalk.
4. To get permission for this form of publicity, please complete the Office of Student Engagement Publicity Request Form, with the desired text, design, and location attached, and submit to OSE for approval.

FLOOR POSTING

1. Floor publicity can only be displayed on the stairs from the Schott 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 Engagement Publicity Request Form, with the text and design attached, and submit to the OSE for approval.
5. After your request is approved, you may sign the floor publicity calendar located in the OSE.

FLYERS

1. *Original flyers must be brought to the OSE for stamping and approval before making copies.
2. Except where noted, flyers are not permitted on any walls, windows, doors, stairwells, garbage cans or columns on campus.
3. Flyers are not permitted to advertise alcoholic drink specials, events where the primary purpose is drinking, or other activities that appear to promote irresponsible or illegal alcohol use.
4. All flyers and signs should contain the name of the sponsoring organization, clearly marked, as well as contact information (phone and/or e-mail of the sponsoring organization or department).
5. Flyers that promote messages that are contrary to the Jesuit and Catholic character and mission of the university are not permitted.
6. Approved flyers may be posted on established bulletin boards in any building on campus. Approved flyers may be posted in the residence halls with permission.
7. No solicitation is permitted under doors in any residence hall or buildings on campus.

8. The staff in Office of Student Engagement will post flyers on a weekly basis for external groups if they desire during the academic year.
9. Only Residence Life personnel are allowed to post flyers in the common areas of the residence halls. Copies may be placed in the hall office mailboxes located in the Office of Residence Life for staff to distribute. Check with the staff in the OSE after Aug 15 for exact number of copies for the residence halls.
*Remember to bring the original flyer to the OSE to be stamped and approved BEFORE you make copies.
10. All flyers are approved and stamped for approval, including a removal date, by the OSE (located in Suite 201 of the D. J. Lombardo Student Center, above the bookstore).
11. There are (7) bulletin boards used for posting flyers.
 - a. Bulletin board locations are: Student Center Atrium – (2) boards across from student mailboxes, (1) board to the right of the elevator, on the same floor as Residence Life and (1) board across from the IM gym by the vending machines, AD building – (1) board on the 2nd floor, across from Catholic Studies, Boler School of Business – (1) board on the 1st floor, Dolan Science Center – (1) board on 1st floor – east wing, across from the vending machines.

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 Engagement Publicity Request Form, with the text, design and location attached, and submit to the OSE for approval.

NAPKIN HOLDERS

1. Napkin holders can be placed in the Schott Dining Hall and/or Einstein Bagels. There are 200 napkin holders in the Dining Hall and adjacent areas.
2. The format for the napkin holder publicity is a rectangle that is 6 inches X 4 inches. Groups will only be able to print on one side.
3. Napkin Holders will be reserved on a first-come, first-served basis and groups may only use one side of the holder.
4. To get permission for this form of publicity, please complete the Office of Student Engagement Publicity Request Form, with the text, design and location attached, and submit to the OSE for approval. The text document must be attached.
5. Only one group at a time is permitted to place publicity on napkin holders and they may stay up for one week.

Protest & Rally Policy

In pursuit of its Catholic and Jesuit mission to promote learning, the development of the whole person, and engagement with the world in pursuit of social justice, John Carroll University recognizes its responsibility to encourage its students to be independent, critical thinkers who take action in accordance with their values.

John Carroll University strives to create an environment in which students may discuss questions, express opinions, and debate issues publicly while respecting the rights of others. This policy ensures that students are made aware of the options available to them to protest and rally on campus and at University-sponsored events. This policy also exists so students understand the limits for those options as well as the ways the University can provide guidance for the protest or rally to take place.

In planning any protest or rally, there are two primary considerations that the University seeks to balance. First, the University is responsible for maintaining a safe and secure environment conducive to academic and other educational pursuits. Second, we seek to promote the University's mission and values, which include open speech, assembly, and expression. Within the context of the University's mission, reasonable restrictions such as those on time, place and manner are put in place in order to balance these two considerations that could come into unproductive conflict.

Therefore, when planning and executing a protest or rally, student organizers must ensure the following:

- The protest or rally prioritizes the safety of those involved, as well as the safety of those not involved in the protest or rally, including those who disagree with the position taken by organizers.
- The protest or rally permits the continued operation of University functions - i.e. allows students to freely move about campus; allows classes and university-sponsored events to continue unhindered and uninterrupted (including excessive noise in academic buildings); allows other students, faculty, staff, contractors, and visitors to conduct their business; allows entrance and egress from University grounds as needed.
- The protest or rally respects University property, including building times, facility cleanliness and appearance, and structural integrity.

Students who fail to follow these guidelines are subject to disciplinary action according to the university student conduct procedures as well as possible legal action when applicable.

If the protest or rally attendees choose to engage in an activity or method of protesting or rallying not prioritizing safety, the continued operation of the University, or respect for University property, the attendees generally will be warned once before being asked to leave the protest or rally. If a significant percentage of attendees choose to engage in this

manner, the organizers generally will be warned once before the entire protest or rally will be dispersed. When a significant concern about the safety (e.g. engaging in threatening or intimidating behavior) of any community member or the University as a whole arises (as determined by the Dean of Students or designee in consultation with the JCUPD Chief or designee), the University will remove an attendee or disperse a protest or rally without first issuing a warning. Protests or rallies on University property or at University-sponsored events must be organized and led by students (or other University community members), so that there is an appropriate University contact for the protest or rally. Protests or rallies by those who are not University students, faculty or staff are not permitted on University property. If any individuals who are not members of the University community are invited by a University community member to participate in a student protest or rally on campus or at a University-sponsored event, the University expects those individuals to abide by this policy as well, or face a range of actions, including removal from campus and/or possible criminal action. Reasons for dispersing a protest or rally will be communicated to student organizers at the time of dispersal. If immediate communication is not possible, reasons will be communicated to student organizers during a follow-up meeting with a staff member from the Office of Student Engagement.

Students planning to protest or rally are expected to contact the Office of Student Engagement at **(216) 397-4288** at least two (2) business days prior to the event to provide notice of the planned protest or rally. This notice allows University staff to work with student organizers to assure the protest or rally will meet the requirements of this Protest and Rally Policy, and to provide assistance in utilizing University resources to maximize the learning experience inherent in protest and rallying.

In its dedication to social justice and an open, respectful exchange of ideas and opinions, John Carroll University is committed to permitting student protests or rallies advocating different viewpoints. The use of John Carroll facilities for any protest or rally or the assistance of John Carroll staff in providing guidance to students does not imply endorsement of the ideas therein. This policy exists to govern the process of a protest or rally and seeks to provide positive, productive, and safe outlets for John Carroll University students to engage with the important questions of today's world.

Student protests or rallies also must comply with all applicable University policies, including the Student Organization Political and Campaign Activities Policy, the Hate Free Policy, and the Posting Policy.

Counter-Protesting and Rallying

All of the above guidelines on protests and rallying also will govern any counter-protesting and rallying for a viewpoint opposed to the viewpoint being advocated by the student organizers of the protest or rally. Counter protests and rallies are required to avoid actions that are designed to physically disrupt or block other protests.

Fixed Exhibits/Chalking

Fixed exhibits are an important form of expression and the University seeks to streamline the process through which a fixed exhibit may be utilized. Fixed exhibits, because of their nature, must be approved and coordinated with the Office of Student Engagement and in consultation with the Offices of Facilities Scheduling and Risk Management and/or other relevant departments at least two (2) business days prior to being displayed.

To initiate the process, a student or student organization(s) needs to submit a request, at least two (2) business days prior to installation of the fixed exhibit, to the Office of Student Engagement using an online form (<http://sites.jcu.edu/studentactivities/fixed-exhibits/>).

The two-day period provides time for a University staff member to meet with the student to discuss the exhibit, its content, placement and duration, the responsibilities of the requesting student(s) in terms of safety and respect for University property, and other logistics. The agreed-upon parameters and boundaries from the meeting will govern the fixed exhibit and must be followed. This subsection governs chalking as well.

Related Policies

[Student Organization Political and Campaign Activities Policy](#)

[Posting Policy](#)

[Speaker Policy](#)

[Hate Free Policy](#)

Residence Life

Inspired by our institution's Jesuit identity, the Office of Residence Life at John Carroll University creates inclusive living-learning environments. We educate students to embrace their identities as engaged learners, develop meaningful relationships, and appreciate community.

Although the University has set standards of behavior for all students, some additional guidelines are necessary for those who live in the residence halls. For questions or comments, please contact the Office of Residence Life at (216) 397.4408, reslife@jcu.edu, and/or visit our website at: <http://sites.jcu.edu/reslife/>.

Residence Life Policies

1. **Alcoholic Beverages** (See Alcohol Beverage Policy Here
<http://sites.jcu.edu/deanofstudents/pages/community-standards/alcoholic-beverage-policy/>)
2. **Athletic Equipment and Bikes.**
 - a. 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; hover 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.
 - b. Bikes are not permitted in lounges or stairwells. Since there are no storage facilities available for bikes in the residence halls, they must be stored in your room or outside on bike racks. Bikes should never be locked to trees, railings, or buildings. All bikes should be removed from campus at the end of the academic year.
 - c. Athletic equipment and bikes may only be stored in residence hall rooms, and is not permitted in hallways, common areas, restrooms, etc.
3. **Breaks.**
 - a. Breaks during the academic year include: Fall, Thanksgiving, Winter, Spring Break, and Easter Break. The residence halls will remain open during Fall, Thanksgiving, Spring and Easter break and students can register to stay on campus during these breaks. All residence halls will close for Winter Break. Specific information about break closings will be

given during community meetings and via email. Travel arrangements should be made to assure compliance with closing times. You are expected to vacate the residence hall by the designated time. You are permitted to keep your belongings in your room; however, we recommend that you take your valuables home as well as any other items you may need as access to the residence hall is limited during break periods.

4. Building Security and Tailgating.

- a. Carry your keys/Carroll Cards, 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 not permitted as it poses a security risk to all residents.
 - i. Tailgating to gain entry to any residence hall is not permitted. "Tailgating" is a situation in which one or more people follow an authorized resident through an access-controlled door after the authorized resident opens the door legitimately. This can be done with or without the authorized resident's knowledge and/or consent. Residents should not allow strangers and/or non-residents of the building to tailgate them.

5. Candles and Incense.

- a. Possession and/or use of candles and/or incense are prohibited in campus housing. Grills, fire pits, fireworks, hookahs, and other items with open flames are also prohibited in campus housing.

6. Check-in.

- a. Check In consists of signing for keys/Carroll Cards and completing a Room Condition Report. Please be thorough in completing this form. Failure of timely completion of the Room Condition Report will result in you being held responsible for damages that existed prior to your occupancy.

7. Check-out.

- a. Check out occurs at the end of the contract or if you are leaving the University. 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. Information about checking out of your room will be available

prior to the end of the spring semester. If a student checks out without a Residence Life Professional Staff member which includes rapid check outs that student will automatically waive their right to appeal any damages that may be charged.

8. Common Area Space.

- a. Common area space is made available for the benefit of all residents. 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. Residents may not leave personal items in common area spaces (i.e. athletic equipment, academic materials, toiletries, and electronics). Sleeping in common areas, and any non-residential room spaces, is prohibited.

9. Community Damage.

- a. 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. Report vandalism to an RA, Residence Life professional staff, JCUPD and/or the 24-hour anonymous hotline (216) 397-1515.

10. Consolidation.

- a. Consolidation may be necessary when numerous students are living in rooms without roommates. To make the best use of available space, students without roommates may be required to consolidate with other students.

11. Dining Plans.

- a. Dining plans are required for everyone living in traditional residence on campus. For those living in university houses and duplexes dining plans are available, but not required.
- b. On-campus dining plans are limited to the Standard Meal Options (14+ Plan, Block 125, and Block 175), the Premium Meal Options (the Block 250 and the Unlimited) and the Senior Only Block 100.

12. Disrespect for or Interference with Residence Life Professional Staff.

- a. Disrespect is considered an extremely serious offense. Any student who commits an act of disrespect against a Residence Life staff member, including student and professional staff members, will be subject to disciplinary action. A finding of responsibility in such cases may result in suspension or expulsion from the University
- b. Acts of disrespect include but are not limited to: intentionally interfering with any normal function of a University-sponsored activity, on- or off-campus; failing to comply with directions of University employees acting in the performance of their duties; engaging in acts or deeds that violate existing federal, state, county, or municipal laws or ordinances; refusing to show or surrender University identification upon request by University employees acting in the performance of their duties; failure to appear before the Dean of Students or designee; not cooperating with any Student Conduct Administrator/Board or Panel by not being forthcoming and honest with information; disrespectful comments verbally or on social media; and not complying with disciplinary actions imposed in a timely manner.

13. Entering Student Rooms and Residences.

- a. Authorized University representatives, which include Residence Life Professional Staff and student staff members, 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, investigate possible policy infractions, ensure that students have vacated the room in emergency situations, and to inspect for cleanliness, health, and safety.
- b. 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.
- c. No one is welcome in a John Carroll University student residence unless they reside 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. Non-student guests must always be escorted by their host while in the building or on campus.
- d. Room searches can be conducted in any University assigned housing if necessary. Residence Life student staff may enter a room and observe

what is in plain view. Only Residence Life Professional Staff 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.

- e. Any belongings removed during the search will be recorded by The Office of Residence Life and JCUPD. 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 Affairs professional staff member, present when a search of a student room is conducted.
- f. In a criminal case or other serious emergency, the presence of a Student Affairs professional staff member may not be required.

14. Fire Safety.

- a. 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. The hallways are the primary emergency egress routes and should be clear of impediment. Nothing is allowed on the floors in hallways (i.e. welcome mats, shoes, decorations, and athletic equipment). 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.
- b. Fire drills are conducted in each residence hall annually. Failing to evacuate the building during an alarm will result in disciplinary action.
- c. The University Heights Fire Marshal inspects each University building on a regular schedule. The Fire Marshal may enter any room without notification to determine if it is in violation of fire safety policies.
- d. Causing a false alarm may induce panic and carry severe consequences. False alarms create an environment where students often ignore the alarm assuming there is no danger. Ignoring an alarm may 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.

- e. 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, DVD players/gaming systems, refrigerators (4.6 cubic feet or smaller), microwaves (1 cubic foot and under 900 watts), blankets, fans, coffee makers, desk lights, hair dryers, hair straighteners and curling irons. One refrigerator is allowed per standard double room and up to two for those in expanded occupancy rooms (triples and quads). Prohibited items include toasters, toaster ovens, hot pots, sun lamps, electric skillets and woks, grills (including the George Foreman grill), oil popcorn poppers, space heaters, air conditioners (unless medically approved). Only UL approved, circuit breaker type extension cords and power-strips may be used. Any extension cord without a surge protector is prohibited.
- f. The following will be considered as sufficient cause for immediate interim suspension from the University pending a conduct hearing:
 - i. Intentionally setting a fire of any nature.
 - ii. Pulling a fire alarm when no danger is present.
- g. The following will be considered sufficient cause for immediate removal from the residence halls pending a hearing:
 - i. Misuse of fire extinguishers.
 - ii. Tampering with the protective hood on fire alarm pull stations.
 - iii. Removing batteries from a room smoke detector.

15. Gambling.

- a. Gambling, or games of skill or chance, where money changes hands are not permitted in University assigned housing. Students may not organize pools, drawings, or raffles where money is involved. All fundraisers must be approved by Residence Life Professional Staff. The practice of illegal gambling among residents has a disruptive effect upon the community environment.

16. Housing Agreements.

- a. Housing agreements 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 a student from University assigned housing who fails to meet proper standards of conduct and performance. Such standards include but are

not limited to the terms of the Housing Agreement and the regulations governing the residence halls.

17. Insurance.

- a. 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.

18. Keys and Carroll Cards.

- a. Keys and Carroll Cards 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. Keys should be secured at all times and lost or stolen keys/Carroll Cards should be reported immediately to the Office of Residence Life. Stolen keys/Carroll Cards should also be reported to JCUPD. Each lost/stolen key costs seventy-five dollars (\$75.00). Lost Carroll Cards cost fifty dollars (\$50.00). Room locks are changed to protect both current and future residents and their belongings.

19. Lockouts.

- a. There is a \$5.00 charge for all lockouts that occur in the residence halls and a \$25.00 charge for all lockouts that occur in the duplexes and campus houses.
 - i. All lockouts are handled by Residence Life Professional Staff and JCUPD. Should you be locked out of your room between 8:30 a.m. and 5:00 p.m., Monday through Friday, you may contact the Office of Residence Life. In the residence halls 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 JCUPD. They will contact the staff member on duty.
- b. Each student in the residence hall is afforded one lock-out per academic year at no charge. The Office of Residence Life will record the use of this courtesy lock-out.

20. Medical Emergencies.

- a. 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 their life, the University reserves the right to contact parent(s) or guardian(s).

21. Pets.

- a. Pets are not permitted, with the exception of fish. No tank may exceed 20 gallons. Fish tanks should be maintained and cleaned as required for the health of the fish. Although power for fish tanks may stay on during short breaks, during winter break fish tanks must be unplugged. It is expected that if you own fish, you follow proper care and maintenance during breaks.

22. Quiet Hours.

- a. Quiet Hours or the sound level confined to one's room are in effect from:
 - i. Sunday through Thursday, 10:00 p.m. to 9:00 a.m. the following morning
 - ii. Friday and Saturday, midnight to 9 a.m. the following morning
- b. Courtesy hours are always in effect. During courtesy hours, it is important to respect the rights of those in your community by limiting noise if asked to do so. Amplified musical instruments and drums are not permitted due to the noise levels they create (i.e. those with electrical speaker connections). The playing of other instruments is subject to the agreement of residents in the affected areas and must adhere to the quiet hours policy.
- c. During finals week, quiet hours are in effect 24 hours a day. A violation of these quiet hours will result in a \$25 fine, and any subsequent violations may result in the immediate removal from the residence halls for the remainder of finals week.

23. Repairs and Cleaning.

- a. Repairs to student rooms can be requested online by entering a [work order](#). All requests go to the Facilities Department and will be addressed within 48 hours.
 - i. If it is an emergency, please let your RA, SRA, AC, and/or JCUPD know.
- b. Students are not able to schedule appointments for maintenance to enter their room for the repair. Maintenance staff is not permitted to enter student rooms to perform repairs until 10 a.m., unless it is an emergency. They are permitted to work in all common areas of the residence halls and bathrooms beginning at 7 a.m.

- c. When bathrooms are “Closed” for maintenance or cleaning, do not enter the restroom. Instead, use an alternate bathroom in the building. The University reserves the right to take disciplinary action against any student who violates this policy.

24. Residency Requirement.

- a. All entering students, of traditional age, need to declare their status as a resident or commuter through the Enrollment Reservation Form sent by the Office of Admission. Those not commuting from home are required to live on campus during their first two years. This policy also applies to those who transfer into the University as traditional first-year students.
- b. Commuting is defined as living exclusively in the permanent and primary residence of a parent or legal guardian. The home of the parent or guardian must be within 35 miles of the John Carroll University campus. Once a student establishes one is status as a resident, they must seek approval for a change of status to commuter. Formal requests can be made through the Office of Residence Life through the Request for Release process.

25. Roofs, Ledges, and Balconies.

- a. For the safety of all, roofs, ledges, and balconies are off limits. You are not permitted to place any items, including shoes, clothes, food, plants, etc, on ledges or balconies.

26. Room Condition.

- a. Keep in mind safety and the ability to exit from your room when adding furniture. 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 or decorative lights hanging from the ceiling). You may hang your own curtains, but University-issued drapes must be re-hung before checking out of the room. Waterbeds are not allowed in the residence halls. All furniture present in the room during check-in must be present in the room at check-out. You are not permitted to paint your room. 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. Street and traffic signs of any sort are prohibited in students' rooms.
- b. 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 is prohibited. The University reserves the right to judge what is “safe” for its buildings and occupants. The University reserves the right to require students to remove the display of offensive material (such as on a door, window, residence room walls, etc.). Residents should not attach TVs to walls in any way that damages the walls through mounts screwed or bolted to the walls. Duct tape or packing tape may not be used on any surface in rooms. Room damage determined by the University not to be from normal wear and tear will be assessed to those assigned to the room.

27. Smoking.

- a. Smoking is not permitted in campus housing or within 50 feet of the main entrances. Ashtrays are located outside near some of the entrances to the buildings. Building entry doors may not be propped while smoking. Please take your keys/Carroll Cards. Hookahs, hookah pens, vaporizers and electronic cigarettes are not permitted in campus housing.

28. Solicitation.

- a. Solicitation is not permitted in University assigned housing. Solicitation includes but is not limited to: selling products or services, door-to-door collections, or flyer delivery and distribution.
 - i. Salespeople within the halls should be reported to JCUPD immediately. Residence Life Professional Staff also should be notified promptly.
- b. Exceptions to this policy may only be granted by Residence Life Professional Staff. Exceptions are only allowed for hall programs of a particular residence hall.

29. Thefts.

- a. Thefts should be reported to JCUPD immediately. Residence Life Professional Staff 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. It is important to lock your door when you are sleeping or away from your room.

30. Use of Rooms.

- a. You are responsible for the activity that occurs in your University assigned housing. Therefore, providing your residence as a place for others to violate University policies, either intentionally or recklessly, (such as leaving your residence unsecured or not monitoring your

guests) is not permitted. Using your assigned residence for commercial purposes is also prohibited.

31. Vacancies.

- a. 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.

32. Visitation and Guests.

- a. Escorting your guests in the hallways, bathrooms, and lounges is your responsibility. This includes residents of other buildings who are visiting you. Guests of residents (defined as those who are not an occupant of the room) are permitted to stay overnight (but are not permitted to stay more than two consecutive nights) in the residence halls provided the guest is of the same sex as the hosting resident. It is important that the right of a roommate to privacy supersedes the right of the roommate to have guests in the room. 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.
- b. Visitation hours in the residence halls are limited to 11:00 a.m. to midnight Sunday through Thursday and 11:00 a.m. to 2:00 a.m. Friday and Saturday. Residence Life Professional Staff may place guest restrictions on any floor, wing, or building for any length of time.

33. Weapons.

- a. Weapons are not permitted. Use or possession of firearms, ammunition, explosives, dangerous chemicals, knives that do not meet specifications, or weapons of any kind are forbidden in University assigned housing. For additional information, see the [Firearms and Weapons Policy](#).

34. Windows and Screens.

- a. Windows may not be used to enter or exit a building except in the case of an emergency. Throwing, dropping or hanging of any items out of windows is strictly prohibited. Although screens are not provided in most rooms, where provided, removing or tampering with the screen is prohibited. Any damage to existing screens will be billed to both residents of the room. If you choose to purchase your own screen(s), it is your responsibility to remove the screen(s) and any adhesive left behind.

JOHN CARROLL UNIVERSITY SEXUAL HARASSMENT and INTERPERSONAL VIOLENCE POLICY

I. TITLE IX NOTICE OF NONDISCRIMINATION

Title IX of the Education Amendments of 1972 protects individuals from discrimination based on sex/gender in any educational program or activity operated by recipients of federal financial assistance. Sexual harassment, which includes acts of sexual and interpersonal violence, is a form of sex discrimination prohibited by Title IX, as well as Title VII of the Civil Rights Act of 1964, as amended. John Carroll University does not discriminate on the basis of sex in employment, or in educational programs and activities that it operates.

John Carroll University has appointed a Title IX Coordinator to oversee the University's response to Title IX complaints, develop training and education programs/materials for faculty, staff and students, as well as monitor trends and effectiveness of the University's Title IX educational efforts. Questions regarding Title IX should be referred to:

David J. Sipusic, J.D., Title IX Coordinator
John Carroll University
Administration Bldg. Room 128B
1 John Carroll Blvd.
University Heights, OH 44118
(216) 397-6699
dsipusic@jcu.edu

Additional information and questions regarding Title IX also may be referred to the U.S. Department of Education's Office for Civil Rights by contacting 1-800-421-3481 or OCR@ed.gov.

II. PURPOSE:

John Carroll University seeks to provide a community for faculty, staff and students that promotes personal growth and development in a safe and welcoming environment. The University is committed to the belief 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 Jesuit Catholic identity, and is essential to our academic community. The purpose of this policy is to help ensure that John Carroll University provides an environment free from acts of sexual harassment and interpersonal violence for all members of the community. The policy defines sexual harassment and interpersonal violence, which are subject to resolution using the University's Title IX Complaint Resolution Process.

III. SCOPE:

This policy applies to all students, faculty, staff, and volunteers – whether full-time or part-time; vendors; contractors; visitors; and guests, whether the behavior(s) took place on University property, online, or at off-campus University-related programs, activities or events, including,

but not limited to, study abroad programs, internships and immersion experiences. This policy also applies to any off-campus conduct and to actions online that affect a substantial University interest. A “substantial University interest” is defined to include any one or more of the following:

- A. Any action that constitutes a criminal offense as defined by federal, state, or local law whether the action takes place on the University’s property or elsewhere;
- B. Any situation in which it appears that the responding party may present a danger or threat to the health or safety of others;
- C. Any situation that significantly impinges upon the rights, property or learning opportunities of a University community member or members or significantly breaches the peace and/or causes social disorder;
- D. Any behaviors that occur off University property that cause a substantial on-campus disruption;
- E. Any situation that is detrimental to the educational interests or mission of the University; and/or
- F. Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment, etc., including those occurring outside of the University’s control (e.g., not on University networks, websites or between University email accounts) when those online behaviors cause or have the potential to cause a substantial on-campus disruption.

IV. DEFINITIONS:

- (A) “Deputy Title IX Coordinator”: a University employee who has been assigned the responsibility of receiving reports and complaints of sexual harassment and sexual discrimination falling under Title IX.
- (B) “Reporting Party”: the recipient of the behavior who claims that this policy has been violated.
- (C) “Responding Party”: the person or entity accused of violating this policy.
- (D) “Responsible Employee”: any University employee who meets at least one of the following criteria: (1) has the authority to take action to redress sexual harassment violence or other sexual misconduct; (2) has been given a duty of reporting incidents of sexual harassment or other sexual misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator; or (3) is an employee whom an individual could reasonably believe has the above authority or duty. Under the University’s Mandatory Reporting Policy, **all** University employees are deemed Responsible Employees with a mandated responsibility to report incidents related to Sexual Harassment or Interpersonal Violence, except for these professionals acting in their capacity: doctors; nurses acting under the direction of a doctor; licensed counselors; or ordained members of the clergy.

(E) “Third Party Reporter”: any person who was not the recipient of the behavior and reports an incident. This can include witnesses or Responsible Employee reporters.

(F) “Title IX Coordinator”: the University employee having primary responsibility for tracking and overseeing reports and complaints of sex discrimination and sexual harassment falling under Title IX.

V. POLICY ON SEXUAL HARASSMENT AND INTERPERSONAL VIOLENCE:

A. Policy Statement

Students, staff and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Sexual harassment, which includes acts of sexual or interpersonal violence, is a type of sex discrimination. Sexual harassment and interpersonal violence violate basic human dignity and impede the fundamental mission of the University. In keeping with its commitment to social justice and the basic dignity of all persons, John Carroll University condemns and will not tolerate acts of sexual harassment or interpersonal violence on University property or at locations off University property, including University-sponsored or University-related programs, activities and events.

Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access benefits or opportunities of any member of the University community on the basis of sex/gender or an act of interpersonal violence is in violation of this policy.

This policy is subject to resolution using the University’s Title IX Complaint Process. When brought to the attention of the University, any such discrimination will be appropriately remedied by the University according to the procedures outlined in the Title IX Complaint Resolution Process. The University’s response will be to act to end the discrimination, prevent its recurrence, and remedy the effects on both the individuals and the University community.

This policy shall serve as the only internal University forum of resolution and appeal of sexual harassment and interpersonal violence reports.

B. Academic Freedom

The University’s policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include relevant, but controversial or sensitive, subject matters protected by academic freedom. Each faculty member may consider in classes any topic relevant to the subject matter of the course as defined by the department or academic dean. Classroom topics also must be in balance with the rights of others not to be sexually harassed and conducted in accord with the norms of the discipline. If there are questions about whether the course material or the manner in which it is presented falls within the definition of sexual harassment, the concerned party should contact the Title IX Coordinator or Designated Deputy Title IX Coordinator.

C. Discriminatory Harassment

Sexual harassment, sexual misconduct, and interpersonal violence are forms of discriminatory harassment and are prohibited by this policy. Acts of sexual harassment, sexual misconduct and interpersonal violence may be committed by any person upon any other person, regardless of the sex, gender or sexual orientation of those involved.

Acts may include name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Such harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Acts of Sexual Harassment and Interpersonal Violence violate this policy when they create a hostile environment, as defined in Section V(D)(2) below. However, the University will remedy all forms of sexual harassment and interpersonal violence when reported, whether or not the harassment rises to the level of creating a hostile environment.

Harassment that does not rise to the level of creating a hostile environment may be addressed through respectful conversation, remedial actions, education or conflict resolution. For further assistance with these options, please contact the Title IX Coordinator.

D. Sexual Harassment

Sexual Harassment is defined as:

Any unwelcome verbal, written, pictorial, online and/or physical conduct that is based on sex and/or gender or that is sexual in nature. Forms of Sexual Harassment that are prohibited by this policy include *Quid Pro Quo* Sexual Harassment and Hostile Environment Sexual Harassment.

(1) *Quid Pro Quo* Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another when submission to such conduct is made either explicitly or implicitly a term or condition of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity.

(2) Hostile Environment Sexual Harassment

Any unwelcome verbal, written, pictorial, online and/or physical conduct that is based on sex and/or gender or is sexual in nature that:

- a. is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities; or

- b. when such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational experience.

A hostile environment can be created by anyone involved in a University program or activity (e.g., staff, faculty members, students, campus visitors or guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as non-consensual sexual intercourse or non-consensual sexual touching, even if isolated, can be sufficient.

E. Sexual Misconduct

The University considers Non-Consensual Sexual Intercourse violations, including but not limited to forced sexual intercourse, to be the most serious form of Sexual Misconduct, and therefore typically imposes the most severe sanctions on such violations, including suspension or expulsion for students and termination for employees. However, the University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination for any act of sexual misconduct, interpersonal violence or other gender-based offenses including relationship (dating and/or domestic) violence, non-consensual sexual contact and/or stalking, based on the facts and circumstances of the particular allegation.

1. Sexual Misconduct Violations

Sexual misconduct in violation of this policy includes the following:

- a. The two types of sexual harassment described in Section V.D.1 and 2 above.
- b. Non-Consensual Sexual Intercourse: Any sexual penetration (anal, oral or vaginal), however slight, with any object or body part, by any person upon any other person, without consent.

c. Forced Sexual Intercourse:

Any sexual penetration (anal, oral or vaginal), by any object or body part, by a person upon any other person, that occurs as a result of physical force.

d. Non-Consensual Sexual Contact:

Any unwelcome intentional sexual touching.

This includes any contact with the breasts, buttocks, groin, genitals, mouth or other bodily orifice of another, as well as the touching of another with any of these body parts, by a person upon any other person, without consent.

e. Sexual Exploitation:

Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, regardless of whether such behavior constitutes one of the other sexual misconduct offenses. Examples include, but are not limited to:

- i. Non-consensual recording: Non-consensual digital, video or audio recording of sexual activity or nakedness (full or partial). This includes the unauthorized sharing or distribution of digital, video or audio recording of sexual activity or nakedness (full or partial).
- ii. Compelling Prostitution: Forcing or inducing another individual to engage in sexual activity for hire.
- iii. Voyeurism: Engaging in secretive observation of another for personal sexual pleasure or engages in nonconsensual video or audio recording of sexual acts or nakedness. This behavior is a form of sexual misconduct and violates the dignity of the affected party(ies), even if the person secretly viewed or recorded may be unaware of the observation or recording.
- iv. Exposure: Disrobing or exposure of one's breasts, buttocks, groin or genitals without the consent of the other person, or inducing another to disrobe or to expose their breasts, buttocks, groin or genitals to another person without their consent.
- v. Administering alcohol/drugs: Administering alcohol or drugs to another person without their knowledge or consent in an attempt to facilitate sexual contact.

2. Interpersonal Violence Violations

Interpersonal Violence is when one person exerts power and control over another through physical, sexual, or emotional threats or actions, economic control, isolation, or other kinds of coercive behavior. Some different types of interpersonal violence prohibited by this policy include:

- a. Threats or Causing Physical Harm/Abuse: Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of sex/gender or is associated with an act of interpersonal violence.

- b. Intimidation: implied threats or acts that cause an unreasonable fear of harm in another on the basis of sex/gender or are associated with an act of interpersonal violence.
- c. Hazing: any planned/executed action or activity, based on sex or gender, by or against an active member, associate member, new member, pledge or potential member of an organization or group that inflicts physical or mental harm, distress, anxiety, or which may demean, degrade, embarrass or disgrace any person, regardless of location, consent or intention of participants, is prohibited. Hazing that falls outside this policy (i.e., is not based on sex/gender or an act of interpersonal violence) may nonetheless violate other University policies.
- d. Bullying: repeated, severe, and/or aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived sex and/or gender. Bullying that falls outside this policy (i.e., is not based on sex/gender or an act of interpersonal violence) may nonetheless violate other University policies.
- e. Relationship Violence: behavior used to establish power and control over another individual using fear, intimidation, violence and/or threat of physical violence. These behaviors can include, but are not limited to, physical, verbal, emotional, financial or sexual abuse. Examples of abuse may include, but are not limited to, hitting, punching, slapping, throwing objects, biting, yelling, name-calling, belittling, threatening violence, stealing money, destroying possessions, isolating or committing sexual violence. Relationship violence can occur between casual or intimate partners, former partners or family members.
- f. Stalking: a pattern of two or more incidents of unwanted attention, harassment, contact or other misconduct directed at a specific person based on sex/gender or sexual orientation that is unwelcome and would cause reasonable persons to fear harm to their physical health, mental or emotional health, safety, friends, family or property. Stalking may take many forms, including, but not limited to, persistent calling, texting, instant messaging, posting on a social networking site, monitoring behavior, taking pictures or physical stalking.

3. Other Policy Violations

A violation of any other University rule or policy, when motivated by the individual's actual or perceived sex or gender may be pursued using this policy and process. Note that violations of other University rules or policies that do not constitute a violation of this policy (e.g., a violation not motivated by unlawful discrimination or harassment based on sex/gender, sexual orientation or an act of interpersonal violence) may nonetheless trigger corrective action or sanctions under another University policy or policies.

Objectionable conduct that does not rise to the level of sex/gender discrimination or that is of a generic nature not on the basis of sex/gender or an act of interpersonal violence may not result in the imposition of sanctions/corrective action under this University policy, but may be addressed through other policies and may include remedial actions, education and/or conflict resolution mechanisms. For assistance with conflict resolution, individuals should contact the Title IX Coordinator, who may refer the parties to the Dean of Students for students, to the appropriate department chair or Dean for faculty, or to the Human Resources Department for staff.

F. JCU Consent Standard

1. Consent

Whether sexual misconduct has occurred depends in part on whether consent exists.

- Consent is granted when a person freely, actively and knowingly agrees at the time to participate in a particular sexual act with a particular person.
- Consent is mutually understandable words and/or actions that demonstrate a willingness to participate in mutually agreed-upon activity at every stage of that sexual activity.
- Consent is mutually understandable when a reasonable person would consider the words and/or actions of the parties to have reached 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 effective consent from the other partner.
- Consent has time boundaries. Consent at one time does not imply consent at any other time.
- The existence of a dating/romantic relationship between the persons involved or the fact of a previous sexual relationship does not automatically establish consent for future sexual activity.

Consent does not exist if:

- Agreement is only inferred from a person's silence or lack of resistance; there is threat of physical force, harm or intimidation; or there is coercion.
- The person is under the age of 16.
- Someone engaging in sexual behavior knew or should have known that the other person was incapacitated.

Regardless of the state of the Responding Party, the University will use the perspective of a "sober and reasonable person" in determining whether one should have known about the impact of the use of alcohol; drugs; the deceptive administering of any drug, intoxicant or controlled substance; mental illness, etc. on another's ability to give consent.

2. Incapacitation

Incapacitation exists when a person is unaware, blacked out, asleep, unconscious, unable to make rational/reasonable decisions and/or otherwise physically or mentally helpless to give effective consent. Indicators of incapacitation include, but are not limited to: outrageous/unusual behavior; inability or diminished ability to accurately discern one's environment (who, what, where, when and/or how); slurred speech; vomiting; severe intoxication; loss of voluntary motor skills; loss of involuntary motor skills; disjointed speech patterns (unable to follow a conversation or verbalize complete thoughts); and/or sleepiness that demonstrates an inability to control one's ability to stay awake. Because incapacitation may be difficult to discern, the person seeking the sexual behavior is strongly encouraged to err on the side of caution; i.e., when in doubt, assume the other person is incapacitated and therefore unable to give effective consent.

3. Coercion

Coercion exists when a person engages in threats, sexual pressuring or oppressive behavior to force another person to engage in unwanted sexual activity. Real or perceived power differentials between the individuals involved may create an atmosphere conducive to coercion. (Coercion can be differentiated from seduction by a repetition of the coercive activity in the face of resistance, the degree of pressure applied, or the initiator's knowledge that the pressure is unwanted.)

When one party has any professional responsibility for another's academic or job performance or professional future (i.e. faculty member and student, supervisors and employees etc.), consent may be difficult to assess, may be deemed not possible, and may be construed as coercive.

G. Retaliation

Retaliation is defined as any adverse action taken against a person reporting sexual harassment or participating in the process under this policy or related procedures because of their report or their participation in the process. The University strictly prohibits retaliation against an individual for reporting sexual harassment, supporting a party bringing a claim of sexual harassment, participating in a sexual harassment investigation or providing information as a witness to an incident of sexual harassment. Retaliation includes any adverse action taken by the Responding Party or the Reporting Party or other related persons, including but not limited to, friends and relatives.

Retaliation is a serious violation of University Policy and will be treated as a separate instance of harassment or discrimination under this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University will take appropriate steps to help protect individuals who may be subjected to retaliation.

An adverse action is retaliatory only if it is taken because the person participated in a protected activity. Note that using the Title IX Complaint Process in bad faith, i.e., with deliberately false allegations and/or malicious accusations of harassment, is not a protected activity.

VI. INTERIM OR REMEDIAL ACTION

The University may implement initial (and/or interim) remedial and responsive and/or protective actions as appropriate upon notice of alleged sexual harassment, retaliation and/or discrimination, and will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in sexually harassing or discriminatory behavior or retaliation.

The remedial, responsive and/or protective actions could include but are not limited to: no contact directives; providing counseling and/or medical services; academic support; interim suspensions; living arrangement adjustments; providing a campus escort; academic or work schedule and assignment accommodations; safety planning; issuing no-trespass orders; and/or referral to campus and community support resources. The University may also impose interim separation or suspension, as provided for under other University policies or procedures.

Note that, even where a violation of this policy is not found to have occurred, the University may recommend that mediation, counseling or other restorative steps be taken, or, if another University policy has been violated, referral to another process to implement corrective action as appropriate.

VII. REPORTING AND CONFIDENTIALITY

A. Reporting Options

The University strongly encourages persons who experience sexual harassment, sexual misconduct or interpersonal violence to report the harassment or misconduct. Reports of discrimination or harassment in violation of this policy can be made to the Title IX Coordinator or a Deputy Title IX Coordinator in person, by phone or online using the form located at: sites.jcu.edu/title-ix. To avoid a conflict of interest, any allegations of discrimination by the Title IX Coordinator should be reported directly to the Provost and Academic Vice President of the University.

B. Confidentiality

Complaints and concerns may also be shared with University community members, but whether they can keep the matter confidential or must tell (and how much) the Title IX

Coordinator or one of the Deputy Title IX Coordinators depends on their reporting responsibilities. In order to make informed choices when consulting campus resources, one should be aware of confidentiality and mandatory reporting requirements, which are explained in further detail in Sections 1-3 below.

On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform University officials or an outside agency or individual unless the complainant requests that the information be shared. Other campus resources, such as JCUPD or “Responsible Employees” as referenced in Sections 2 and 3 below, cannot by law provide confidentiality (although they will make reasonable efforts to limit disclosure of information so as to protect privacy).

By making a complaint to a Non-Confidential Formal Reporting Option, one is initiating formal action by the University. The following describes the reporting options and confidential resources available at the University:

1. Privileged and Confidential Communications for All Title IX Sex/Gender and Interpersonal Violence Reports

If a party who has experienced an incident of sexual harassment or interpersonal violence does not desire action by the University and would like the details of the incident to be kept confidential, but desires to confide in someone, the party may speak with:

- a. a counselor at the University Counseling Center;
- b. a doctor, or nurse acting under a doctor’s direction at the University Health Center;
- c. an ordained member of the clergy (priest) acting in the context of pastoral care/spiritual advising; or
- d. off-campus local rape crisis counselors, domestic violence resources, local or state assistance agencies.

University employees who fall within this category will submit anonymous statistical information to JCUPD or the Title IX Coordinator for Clery Act (Campus Crime Statistics Act) purposes unless they believe it would be harmful to their client, patient or spiritual advisee, but will not otherwise share the information. Confiding in someone within this category does not trigger an investigation or other action by the University.

2. Non-Confidential but “Private” Communications

Non-Confidential but Private resources for discussing claims of sex/gender misconduct or interpersonal violence include any staff member who works for the University Counseling Center, Health Center, VPAC or Campus Ministry. These resources are initially required to provide a limited report to the Title IX Coordinator that includes the nature, date, time and general location of the incident, but these resources do not share any personally identifiable information in the report unless the disclosing party gives permission, except in the rare

event that the incident reveals a need to protect the immediate safety of the disclosing party and/or other members of the University community. Immediate safety concerns could include a pattern of alleged conduct, predation, weapons, violence or threat.

Unlike the confidential resources listed in Section VII.A, these resources are required to report as described above under the University's Mandatory Reporting Policy and cannot guarantee confidentiality. If a party who wishes to discuss an incident is unsure of someone's duties and ability to maintain privacy, one should ask that person about confidentiality before talking to them.

3. Non-Confidential Formal Reporting Option for Title IX – Sex/Gender and Interpersonal Violence Claims

A party wishing to initiate an investigation or other action by the University is encouraged to speak to a "responsible employee" to make a formal report concerning incidents of sexual misconduct. Under the University's Mandatory Reporting Policy, all University employees, except those identified in VII.(B)(1) of this policy, are designated as "mandatory reporters" and have a duty to report incidents of possible sexual discrimination, sexual harassment or interpersonal violence to the Title IX Coordinator. This makes all employees "Responsible Employees" when it comes to reporting incidents of sex/gender misconduct or interpersonal violence.

When a party informs a "Responsible Employee" about an incident involving sexual misconduct, the Responsible Employee is required to report all relevant details about the incident to the University's Title IX Coordinator or designee. This includes the names of the Reporting Party(ies), alleged Responding Party(ies), witnesses and any other relevant facts, including the date, time and specific location (if known).

4. Requests for Confidentiality

A party's request for confidentiality or that no investigation be pursued should be made to the Title IX Coordinator or to the Responsible Employee at the time the report is made. The Responsible Employee will then inform the Title IX Coordinator of the request, which request will be weighed by the Title IX Coordinator, based on relevant information that may be received in consultation with others involved in monitoring University safety matters, against the University's obligation to provide a safe, non-discriminatory environment for all members of the University community, including the reporting party. However, honoring such a request for confidentiality may limit the University's ability to meaningfully investigate and pursue conduct action against an accused individual.

Reporting parties have the right, and can expect, to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures. When a responding party is found in violation, the University will act to end the discrimination, prevent its recurrence and remedy its effects.

Non-Confidential Formal Reporting still affords privacy to the reporting party, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the responding party. The people with this knowledge are charged with preserving a reporting party's rights and privacy to the extent reasonable in order for an adequate, reliable and impartial investigation to be conducted.

C. Reporting of Instances Involving Minors

Sexual harassment, sexual misconduct or interpersonal violence involving a minor who is a student will be processed consistent with this Policy. Anyone witnessing or otherwise knowing of a violation of this policy that involves a non-student individual under the age of 18, or under the age of 21 and physically or mentally impaired, should refer to the University's [Minors on Campus Policy](#). Any observed violations of that policy should be reported to the Title IX Coordinator and/or to JCUPD and the person in charge of the program. Whether involving a student or non-student, the University, the Title IX Coordinator, and/or privileged and confidential resources also may be required to report sexual misconduct involving a minor to Cuyahoga County's Children & Family Services at (216) 431-4500.

VIII. REPORTING TO POLICE AND FEDERAL TIMELY WARNING OBLIGATION

There may be instances in which sexual harassment or sexual misconduct constitutes a criminal act. Anyone who has experienced sexual misconduct that they believe may constitute a crime may choose to contact at any time the JCU Police Department or a local police jurisdiction where the sexual misconduct occurred. Choosing not to pursue criminal action does not alter the responsibility of the University to investigate and take appropriate action related to the report of sexual harassment or sexual misconduct.

Parties reporting sexual misconduct or interpersonal violence should be aware that under the Clery Act, the University via JCUPD, must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will undertake reasonable efforts to ensure that a Reporting Party's name and other identifying information is not disclosed in any timely warning, while still providing enough information for community members to make safety decisions in light of the potential danger.

Title IX Reporting Offices for Incidents of Sexual Harassment and Interpersonal Violence

Any incidents of sexual harassment and interpersonal violence should be reported to the Title IX Coordinator. Incidents can also be reported to a designated Deputy Title IX Coordinator for a particular constituency.

<p>All Complaints and Complaints Involving Visitors</p> <p>David J. Sipusic, J.D. Title IX Coordinator John Carroll University Administration Bldg. Room 128B 1 John Carroll Blvd. University Heights, OH 44118 216-397-6699 dsipusic@jcu.edu</p>	<p>Complaints Involving Faculty</p> <p>James Krukones, PhD, Deputy Title IX Coordinator, Associate Academic Vice President John Carroll University Administration Bldg. Room 133E 1 John Carroll Blvd. University Heights, OH 44118 216-397-4762 jkrukones@jcu.edu</p>
<p>Complaints Involving Students</p> <p>Sherri Crahen, PhD, Deputy Title IX Coordinator, Associate Vice President for Student Affairs & Dean of Students John Carroll University Lombardo Student Ctr. Room 207A 1 John Carroll Blvd. University Heights, OH 44118 216-397-3010 scrahen@jcu.edu</p>	<p>Complaints Involving Staff</p> <p>Lori Sprague, Deputy Title IX Coordinator, Assistant Director of Human Resources John Carroll University Rodman Hall Room 138 1 John Carroll Blvd. University Heights, OH 44118 216-397-4962 lsprague@jcu.edu</p>
<p>Complaints Involving Athletics</p> <p>Gretchen Weitbrecht, Deputy Title IX Coordinator (Varsity Athletics), Associate Athletic Director John Carroll University DeCarlo Varsity Ctr. Room 110 1 John Carroll Blvd. University Heights, OH 44118 216-397-4194 gweitbrecht@jcu.edu</p> <p>For Non-Varsity athletic matters, contact:</p> <p>Courtney Farver, Deputy Title IX Coordinator Director of Recreation and Intramurals Recreation Complex Room 151 (216) 397-3092 cfarver@jcu.edu</p>	<p>EXTERNAL CONTACTS</p> <p>Inquiries about this policy and accompanying complaint procedures may be made externally to:</p> <p>Office for Civil Rights (OCR) U.S. Department of Education Telephone #: (800) 421-3481 Email: OCR@ed.gov Web: http://www.ed.gov/ocr</p> <p>Equal Employment Opportunity Commission (EEOC) Contact: http://www.eeoc.gov/contact/</p>

John Carroll University Sexual Harassment and Interpersonal Violence Complaint Resolution Process 2016-17

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I. Introduction

John Carroll University (“University”) will act on any formal or informal complaint or report of an alleged violation of the University’s Sexual Harassment and Interpersonal Policy that is received by the Title IX Coordinator. These actions will include, as appropriate, steps to eliminate the harassment, prevent its recurrence and address its effects.

Title IX Coordinator contact information:

David J. Sipusic, J.D.
Title IX Coordinator
John Carroll University
Administration Bldg. Room 128B
1 Carroll Blvd.
University Heights, OH 44118
(216) 397-6699
dsipusic@jcu.edu

This Complaint Resolution Process described below applies to all complaints brought within the scope of the University’s Sexual Harassment and Interpersonal Violence Policy regardless of the status of the parties involved, who may be:

- members or non-members of the campus community
- students
- student groups, organizations, and teams
- staff, or
- faculty

This Complaint Resolution Process is the exclusive process for resolution of sexual harassment and interpersonal violence complaints brought under the University’s Sexual Harassment and Interpersonal Violence Policy.

II. Confidentiality

Allegations that the University’s Sexual Harassment and Interpersonal Violence Policy has been violated cannot be kept confidential if they are reported to the Title IX Coordinator and/or a Deputy Title IX Coordinator, or other University personnel with a duty to report these matters. For a list of confidential resources and further information regarding confidentiality, please consult the University’s [Mandatory Reporting Policy](#) or Section VII of the University’s Sexual Harassment and Interpersonal Violence Policy.

III. Pre-Complaint Resolution Efforts

In the Jesuit spirit of community, before pursuing the complaint resolution process, every reasonable effort should be made to constructively and amicably resolve issues among the parties. Whenever possible and safe, the University encourages anyone experiencing an issue to first attempt discussing the issue with the party(ies) involved. Such discussions may also help prevent tense situations from escalating to an actual hostile environment. The Title IX Office can facilitate such discussions, upon request, and monitor them for safety.

You are encouraged to contact the Title IX Coordinator if, prior to taking the step of filing a formal complaint, you have questions regarding the process, you are uncertain as to whether your problem is appropriate for pre-complaint resolution efforts, or you are interested in advice on ways to discuss the issue with the other person, etc.

Pre-complaint resolution procedures are voluntary, and the parties have a right to end the process at any time and initiate the formal complaint process. The University does not require a party to contact the person involved if doing so is impracticable, or if the party believes that the conduct cannot be effectively addressed through informal means. Additionally, some reports of sexual harassment or interpersonal violence – such as reports involving violent behavior – may not be appropriate for pre-complaint resolution, and all cases involving allegations of non-consensual sexual intercourse are not appropriate for pre-complaint resolution, even on a voluntary basis.

If satisfactory resolution is not reached after discussion with the other individual(s), the University complaint process may be initiated.

Individuals should not wait to contact the Title IX Coordinator or another University official until behavior becomes sufficiently serious (i.e., severe, pervasive, or persistent) to create a hostile environment. The University will take a proactive approach to preventing and addressing sexual harassment and interpersonal violence, including stopping the harassment if it is found to have occurred, remedying its effects and preventing its recurrence.

IV. The Community Review Board

Allegations brought forward under the University's Sexual Harassment and Interpersonal Violence Policy are resolved using this Sexual Harassment and Interpersonal Violence Complaint Resolution Process. An important part of this resolution process is the Community Review Board ("the Board"). Members of the Board are announced as part of an annual distribution of the University's Sexual Harassment and Interpersonal Violence Policy. The list of Board members can be found at: <http://sites.icu.edu/title-ix/>.

Members of the Board receive annual training in sexual harassment investigatory and resolution procedures and can serve as members of an investigatory team, Complaint Review Panel ("CRP") or appellate review panel. All Board members are required to attend the annual training to be eligible to serve. The President, in consultation with the Title IX Coordinator,

appoints the members of the Community Review Board, which reports to the Title IX Coordinator. The Board includes two (2) Co-Chairs and is made up of representatives from faculty and staff, including, but not limited to, the Division of Student Affairs and Department of Human Resources.

V. Filing a Complaint and Mandatory Reporting

Any member of the University community (student, faculty, staff, volunteer or contractor), guest or visitor who believes that they have been the recipient of sexual harassment, interpersonal violence or some other form of discrimination prohibited by the Sexual Harassment and Interpersonal Violence Policy and wishes to make a complaint should contact the Title IX Coordinator in person, by email, by phone, or electronically by using the Online Reporting Form located at: <http://sites.jcu.edu/title-ix/>.

Most University employees receiving reports of a potential violation of this policy are responsible employees with a mandatory duty to report and are therefore expected to promptly contact the Title IX Coordinator, within one (1) business day of becoming aware of a report or incident. Only employees acting in their professional role and with a legal obligation to maintain confidentiality, such as counselors, doctors, nurses acting at the direction of a doctor, and clergy acting in those roles, are expected to maintain confidentiality consistent with their professional and legal obligations; those individuals are exempt from the reporting requirement. For further information, please see the [University's Mandatory Reporting Policy](#).

All reports and complaints will be treated with the maximum possible privacy. Subject to the University's obligation to take action regarding violations, a reasonable effort will be made to maintain the privacy of those initiating a complaint or report of a possible violation. In all cases, the University will give consideration to the reporting party with respect to how a possible violation is pursued, but the University reserves the right, when necessary to protect the community and the University, to investigate and pursue a resolution when the reporting party chooses not to initiate or participate in a formal complaint.

No person shall make an allegation that one knows to be untrue or knowingly provide false information during the course of an investigation. Making a false complaint or giving false information is a violation of the Sexual Harassment and Interpersonal Violence Policy and may be a basis for discipline, including expulsion or termination. Evidence of false complaints or false information shall be referred by the Title IX Coordinator to Human Resources, Provost's Office or the Dean of Students, depending on the identity of the person who submitted the false information.

VI. Complaint Intake and Inquiry

All complaints and reports will be reviewed and/or investigated and acted upon promptly. The scope of the investigation will be at the discretion of the Title IX Coordinator. Normally, within three (3) business days, an initial investigation in the form of an inquiry or review will be done to determine if the complaint on its face alleges a policy violation, and, if so, which policy violations are alleged in the complaint. If the complaint does allege a possible policy violation, the reporting party and responding party (if known) will be notified in writing and informed as to the next steps under the policy. If the complaint does not allege a policy violation, the case will be closed, and the reporting party and responding party (if known) will be so notified in writing. The Title IX Coordinator may then refer the complaint to the appropriate Academic Dean, Human Resources or Dean of Students' Office for a determination as to whether the conduct may violate another University policy depending on the constituency of the responding party.

The University's ability to move forward in reviewing or investigating any matter depends on a number of factors including, but not limited to: knowledge of the reporting party's and/or responding party's identity and/or the reporting party's willingness to initiate and pursue a formal investigation. If the complaint is filed anonymously, the University's ability to investigate will be limited, and an investigatory team likely will not be assigned. Additionally, if the reporting party does not wish to proceed, an investigation will not follow unless the safety and well-being of the University community or legal compliance is jeopardized. In considering such requests by reporting parties for anonymity or to not proceed with a complaint process, the Title IX Coordinator must weigh the request against the University's obligation to provide a safe, non-discriminatory environment for all members of our community, including the reporting party.

Typically, the informal complaint and resolution procedure involves a basic fact-finding inquiry (see Section VIII of this Complaint Resolution Process) while the formal complaint and resolution procedure involves a more extensive inquiry into the facts and circumstances (see Section IX of this Complaint Resolution Process).

In cases where a police investigation also has been conducted or is being conducted, law enforcement may be able to provide some information to the Title IX Coordinator. The University's investigation may be delayed for a short period of time upon a request from law enforcement, but it will promptly resume the investigation as soon as possible.

The investigation and resolution, not including appeals, shall be completed as promptly as possible and in most cases within 60 calendar days of the date the complaint was received, unless extenuating circumstances interfere with such timely completion. During the course of an investigation, the parties will be notified at regular intervals and/or upon request of the status of the investigation. In the event that an investigation and resolution cannot be completed within 60 calendar days, the parties shall be notified in writing.

VII. Interim Remedies/Actions

At any time during the process, the Title IX Coordinator may recommend that interim protections or remedies for the reporting party, responding party, or witnesses be provided by appropriate University officials. These protections or remedies may include, but are not limited to: separating the parties; placing limitations on contact between the parties; imposing interim suspensions; referring parties to counseling or health services for students or referring to the Employee Assistance Program (for employees); making adjustments in academic deadlines or course schedules; or making alternative workplace or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the University's Sexual Harassment and Interpersonal Violence Policy.

The University will to the extent possible maintain as confidential any interim actions or protective measures provided confidentiality does not impair the University's ability to provide the interim remedies or protective measures.

VIII. Informal Complaint Resolution Procedure

The University encourages informal resolution options when the parties desire to resolve the situation cooperatively and expeditiously. The reporting party may seek assistance in informally resolving certain alleged violations of the University's Sexual Harassment and Interpersonal Violence Policy. The Title IX Coordinator will determine if informal resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the ability to address the conduct by informal resolution.

Informal resolution procedures may involve a multitude of interventions and remedies. Some of these may include mediation, targeted or broad-based educational programming or training for relevant groups or individuals, one-on-one discussions with the responding party, and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Sexual Harassment and Interpersonal Violence Policy.

Regardless of whether the informal resolution or formal resolution procedure is utilized, the responding party will be advised of the substance of the allegations made against them. Where the parties opt to attempt informal resolution, and the parties have failed to achieve resolution via the informal resolution procedures within 15 calendar days of the complaint to the Title IX Coordinator, a formal investigation will begin to be conducted simultaneously with the ongoing informal process.

The informal resolution process is completely voluntary, and a reporting party has the right to end the informal resolution process at any time and initiate the Formal Complaint Resolution Procedure. Also, some complaints of sexual harassment or interpersonal violence, particularly complaints involving violent behavior, may not be appropriate for informal complaint resolution and may require use of the Formal Complaint Resolution Procedure described below.

Additionally, cases involving allegations of non-consensual sexual intercourse cannot be addressed through informal complaint resolution procedures.

IX. Formal Complaint Resolution Procedure

In response to reports of policy violations in cases where the reporting party does not wish to engage in informal resolution, where informal resolution is not appropriate, or in cases where attempts at informal resolution are unsuccessful, the Title IX Coordinator will utilize the formal complaint resolution procedure, which will consist of two parts: the investigation and the disposition/resolution.

A. Investigation

1. Investigatory Team

The Title IX Coordinator will appoint an investigatory team to conduct a thorough, reliable and impartial investigation of the complaint. The number of investigators assigned to a particular matter is at the discretion of the Title IX Coordinator. The investigators shall be members of the Community Review Board who are familiar with the policy and have received training and/or experience in the investigation and resolution of complaints relating to sexual harassment and interpersonal violence. Any real or perceived conflict of interest between an investigator and a party must be disclosed by the Community Review Board member or any party to the Title IX Coordinator; whether an investigator with a real or perceived conflict of interest can nonetheless serve on an investigatory team will be assessed by the Title IX Coordinator on a case-by-case basis. The investigatory team will act under the supervision of the Title IX Coordinator and/or a Deputy Title IX Coordinator.

2. The Formal Investigation

The investigatory team serves as the investigatory body. It is tasked with investigating the complaint and preparing a written investigatory report.

The investigation generally will include interviews with the parties, if available; interviews with other witnesses as needed; and a review of relevant information as appropriate. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation are encouraged to maintain confidentiality so as to protect the integrity of the investigation; however, this is not meant to impinge on any legal rights they may have otherwise.

The responding party shall be provided a copy of the written complaint, if any, or otherwise informed of the substance of the allegations. If the responding party cannot be located, attempts at notification shall be documented. The reporting party shall be provided with a copy of the written response provided by the responding party, if any, or otherwise informed of the substance of the response to the allegations.

Both the reporting and responding parties will be asked to provide oral (through an interview) and written statements. A party may opt not to participate at all in the investigation or to

provide a written statement in lieu of or in addition to any interview(s) with the investigators. However, it is important to note that any decision by the parties not to participate, or to limit participation, in turn limits the ability of the University to discover facts that may support their version of the key events as the investigation results will be based on the facts available to the investigatory team at the time of the investigation.

Both the reporting and responding parties will be asked to provide a list of possible witnesses as well as any written or physical evidence (e.g., texts, social media, emails, photos, medical reports, etc.) that they wish to be considered by the investigatory team. Each party will have the opportunity to suggest questions they wish the investigatory team to ask of the other party and witnesses. No audio or video recording of any kind is permitted during meetings with the investigatory team or other campus officials.

3. Prior Sexual History

The prior sexual history of a reporting or responding party will never be used to prove character or reputation. Questions about a party's sexual history with anyone other than the other party involved will not be permitted. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a Policy violation and will be considered only in limited circumstances. For example, if the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report. The Title IX Coordinator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

4. Support Persons

Both the reporting party and the responding party have a right to be accompanied by one support person of their choosing during any meeting or interview.

The support person may be a friend, mentor, advocate, family member, attorney or any other person a party chooses; however, the support person cannot be someone who may be called as a witness.

The role of the support person is to serve as an advisor. The support person may be present at interviews and any other proceedings, but may not speak on behalf of the advisee. The parties are expected to ask and respond to questions on their own behalf, without representation by their support person. Support persons may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process.

Support persons are expected to refrain from interfering with the investigation and resolution. Any support person who steps out of their role in any meeting will be warned once and only once. If the support person continues to disrupt or otherwise fails to respect the limits of the support person role, they may be asked to leave the meeting.

The University expects that the parties will wish the University to share documentation related to the allegations with their support person. The University provides a consent form that authorizes such sharing. Each party must complete this form before the University is able to share records or information with a support person. The parties are not otherwise restricted from discussing and sharing information with others who may support or assist them in preparing and presenting. Support persons are expected to maintain the privacy of the records shared with them by the University. Support persons may not share records with third parties, disclose records publicly, or use records for purposes not explicitly authorized by the University.

The University may seek to restrict the role of any support person who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The parties must advise the investigators of the identity of their support person at least one (1) business day prior to the date of their first meeting with the investigators. The parties must provide subsequent timely notice to the investigators if they change support persons at any time.

5. The Investigation Report

At the conclusion of the investigation, the investigatory team will prepare a written investigation report. The investigation report will include a statement of the allegations and issues; a description of the applicable standards; a summary of the information considered; a description of the contested and uncontested facts, as applicable; findings of fact when necessary; and a recommended finding using the preponderance of the evidence standard as to whether the University policy has been violated. That is, whether it is more likely than not that a violation of the Sexual Harassment and Interpersonal Violence Policy has occurred. The report will also contain a description of the uncontested facts and disputed facts, as applicable.

In all matters, before the investigation report is finalized, the parties will each have the opportunity to meet with the investigators to review and discuss a redacted copy of the draft investigation report. The draft report will not contain any findings or recommendations from the investigatory team. After the parties have reviewed the draft investigation report, the parties will then have three (3) business days to provide the investigatory team with any additional information, evidence, or witnesses they wish to be considered, as well as the opportunity to submit a written statement in response to the content of the draft report that was reviewed and discussed with the investigators. Prior to finalizing the investigation report, the investigators may incorporate into the report any additional information or evidence provided by the parties or additional witnesses, as appropriate.

The parties may also submit a written impact statement to the investigative team. The impact statement will only be reviewed by the Complaint Review Panel if a finding of “Responsible” is made.

Should a responding party accept responsibility for the alleged misconduct at any point before the investigative report is finalized, the investigative report will include a signed statement by the responding party that they have accepted responsibility, and the Complaint Review Panel will review the matter to make a determination on sanctions only as discussed in Section IX (B)(2)(b) below.

B. The Disposition/Resolution

Once the investigation report is finalized, the Title IX Coordinator will forward the report and accompanying evidence to a Community Review Board Co-Chair if the responding party is an employee, or the Associate Dean of Students if the responding party is a student, to convene a Complaint Review Panel (“CRP”) as described below in Section IX(B)(1). Both the reporting party and the responding party will be notified in writing by the Title IX Office on the date that the investigation report is forwarded to the CRP for review.

Only relevant information (e.g. statements, witness lists, physical evidence, etc.) that was first presented to the investigatory team will be forwarded to the CRP for consideration. General character or reputation evidence will not be considered relevant and typically will not be included in the investigation. The investigator(s) may choose not to interview character witnesses and/or not to include information from character witnesses in the investigation report. Also, information obtained through evidence based methods found to be unreliable, (i.e. lie detector test results, etc.) typically will not be permitted or considered.

1. Complaint Review Panel

Typically, within seven (7) business days of receiving the investigation report from the Title IX Coordinator, the Co-Chair of the Complaint Review Board or the Associate Dean of Students will convene a Complaint Review Panel (“CRP”) to determine responsibility and sanctions, if applicable. On the date that the CRP is convened, the investigators will be present and available to answer any questions the CRP may have regarding the investigation report, but will not be present during any deliberations when the CRP determines responsibility or sanctions, if applicable.

a. CRP for Student Matters

When a student is the responding party, the CRP will be made up of a three-person panel consisting of the Dean of Students or designee and two trained members of the Community Review Board who have not participated in the investigation.

b. CRP for Employee Matters

When an employee is the responding party, the CRP will be made up of a three-person panel consisting of a Co-Chair from the Community Review Board and two (2) trained members of the Community Review Board who have not participated in the investigation.

2. Determining Responsibility and Sanctions

a. Preponderance of the Evidence Standard

When determining responsibility, the CRP will base its finding on a preponderance of the evidence, that is, whether it is more likely than not that the responding party violated the policy as alleged. The possible findings are:

Responsible – Finding that evidence/information available to the University indicates that it is more likely than not that the responding party violated the policy as alleged.

Not responsible – Finding that evidence/information available to the University indicates that it is more likely than not that the responding party did not violate the policy as alleged.

b. Sanctions and/or Responsive Actions

Sanctions or responsive actions to resolve the complaint may include, but are not limited to: educational programs; counseling/coaching; mediation; verbal or written reprimand; suspension; expulsion; termination; and remedies for the reporting party, as appropriate. Factors considered when determining a sanction or responsive action may include:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's conduct history;
- Previous allegations or allegations involving similar conduct;
- Any other information deemed relevant by the investigatory team;
- The need for sanctions or responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
- The need for sanctions or responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation;
- The need to remedy the effects of the sexual discrimination, harassment and/or retaliation on the reporting party and the community.

Generally speaking, the University considers Non-Consensual Sexual Intercourse violations to be the most serious and therefore typically imposes the most severe sanctions on such violations, including suspension or expulsion for students and termination for employees.

Should a responding party withdraw or separate from the University while a formal investigation is pending, the resolution process will continue, and the individual will not be permitted to return to the University until the matter has been fully resolved and all sanctions (if any) have been satisfied.

Once the CRP has made a determination on responsibility and sanctions, if applicable, it will typically forward a written decision to the Title IX Coordinator within three (3) business days of the CRP's determination, including rationale for the decision.

Any sanctions resulting from this Complaint Resolution Process involving employees of a third party contractor will be addressed in conjunction with the procedures of the third party employer.

Any sanction resulting from this Complaint Resolution Process, following any appeal, that involves the dismissal for cause of a faculty member can be appealed through the corresponding Faculty Handbook procedures, so long as an adequate remedy for any violation determined under this process remains in place. Such an appeal can only consider whether the finding from the Complaint Resolution Process constitutes cause for the recommended sanction under the Faculty Handbook and cannot include a rehearing on the finding of whether a violation of the Sexual Harassment and Interpersonal Violence Policy occurred. The factual findings and conclusions from the Complaint Resolution Process, including any appeal, shall be determinative as to whether the University's Sexual Harassment and Interpersonal Violence Policy has been violated. The Faculty Handbook procedures shall be limited to a determination of whether the finding constitutes cause for dismissal of the faculty member. All other sanctions involving faculty can only be appealed using the process outlined in this policy.

3. Notice of Outcome

Once the Title IX Coordinator receives notice of the determination on responsibility and sanctions, if appropriate, and/or responsive actions from the CRP, the parties will then be simultaneously informed, in writing, by the Title IX Coordinator or designee via a "Notice of Outcome." The Notice of Outcome will specify the finding on each alleged policy violation, any sanctions that may result, and the rationale supporting the essential findings to the extent the University is permitted to share them under state or federal law. The notice will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and any appeal options that are available.

If the CRP makes a finding of "responsible" and includes accompanying sanctions, the appropriate University official depending on the constituency of the responding party - the Dean of Students (students), the Assistant Vice President for Human Resources (staff) or the Provost (faculty) - will be responsible for implementing the sanctions.

Any accommodation or remedy will be consistent with the seriousness of the offense and will be designed and imposed in a manner reasonably calculated to end the harassment, to prevent recurrence, and remedy the effects.

In instances where a violation of the Sexual Harassment and Interpersonal Violence Policy has been found to have occurred, the Title IX Coordinator and/or Deputy Title IX Coordinator will document and monitor the implementation of any accommodation or remedy. As appropriate, the Title IX Coordinator and/or Deputy Title IX Coordinator will also follow-up with the parties to ensure that the accommodation or remedy is effectively preventing recurrence of the harassment and serving as the proper remedy for any discriminatory effects on the reporting party and others. All complaint resolutions are subject to follow-up after a period of time to ensure that accommodations, remedies and any other resolution measures have been implemented effectively.

X. The Appeal Process

A. Filing an Appeal

Any party may request an appeal of the findings by completing and submitting an Appeal Request Form. The appealing party must submit the Appeal Request Form and all supporting documentation within five (5) business days of receiving notice from the Title IX Coordinator of the outcome of the investigation.

The three grounds for appeal are as follows:

1. A procedural error or omission occurred that significantly impacted the finding (e.g., substantial bias, material deviation from established procedures, etc.). The appeal request must cite specific procedures and how they were in error; and/or
2. To consider new evidence, unknown or unavailable during the original investigation, that could substantially impact the original finding or disciplinary sanction. A summary of this new evidence and its potential impact must be included in the request. (Note: Failure to participate or provide information during an investigation, even if based on concern over a pending criminal or civil proceeding, does not make information “unavailable” during the original investigation.)
3. The disciplinary sanction(s) imposed are substantially outside the parameters or guidelines set by the University for this type of violation or the cumulative conduct record of the responding party.

A properly filed and timely appeal will generally stay any sanction(s) imposed unless doing so would be inconsistent with the University’s Title IX obligations and/or it is determined by the Title IX Coordinator, in consultation with others involved in monitoring University safety matters, that this action would present an unreasonable danger to any person or property or be disruptive to the University’s living/learning environment.

B. Appeal Review Panel

Upon receiving an appeal request, the Title IX Coordinator will designate a three-member Appeal Review Panel (“ARP”), which will consist of the following:

1. Appeals where responding party is a Student

(1) Vice President for Student Affairs or designee; (2) a Deputy Title IX Coordinator who did not participate in the investigation or CRP; and (3) a member of the Community Review Board who was not involved in the investigation or CRP.

2. Appeals where responding party is an employee

(1) Co-Chair of the Community Review Board who did not participate in the CRP; (2) a Deputy Title IX Coordinator who did not participate in the investigation or CRP; and (3) a member of the Community Review Board who was not involved in the investigation or CRP.

C. Appeal Outcomes

Generally, within five (5) business days after receipt of a request for appeal, and depending on constituency of the responding party, the Vice President for Student Affairs/designee (for students) or the Co-Chair of the Community Review Board (for employees) appointed to the ARP will conduct an initial review of the appeal request(s) to determine whether the appeal is timely and satisfies the grounds for appeal. Should the time to review a party’s request for appeal require more than five (5) business days, the parties will be notified in writing. If the appeal request is not timely or does not satisfy the grounds for appeal, the appeal request will be denied, the individual who submitted the appeal request will be notified, and the finding and sanction or responsive action will stand. The decision not to accept an appeal request is final and is not subject to further appeal.

If the appeal request is timely and meets the grounds for appeal, the Title IX Coordinator will notify both parties that the appeal has been accepted. The Title IX Coordinator will then share the appeal request with the other party (reporting or responding), and that individual may file a response within three (3) business days. The response (if any) will be shared with the other party.

The ARP will then convene to deliberate over the issues presented in the appeal and any response. Appeals are not full re-hearings of the allegation(s). The ARP can take one of five possible actions:

- (1) Affirm the original findings;
- (2) Remand the case to the original investigators or CRP for consideration of new evidence or to remedy a procedural error or omission;
- (3) Remand the case to a new investigatory team. In a rare case where an error or omission cannot be cured by the original investigators (as in a case of bias), the ARP may order a new investigation with a new investigatory team; or

(4) Administratively alter the finding if new evidence, unknown or unavailable during the original investigation, substantially impacts the original finding, and the associated sanctions or responsive actions.

(5) Administratively alter the sanction if the sanction is substantially outside the parameters or guidelines set by the University for this type of violation or the cumulative conduct record of the responding party.

The ARP also may refer the assigning of sanctions or responsive actions to the investigatory team, with advisement, who in turn will adjust their report (if applicable) and forward such modified report to the University official who received the original report.

Decisions rendered by the ARP or actions taken following the ARP's decision are final and not subject to further appeal. Cases that are sent back to the investigatory team or CRP are not eligible for a second appeal.

Both parties will be simultaneously informed, in writing, of the outcome of the appeal.

XI. Records

In implementing this process as the means of enforcing the University's Sexual Harassment and Interpersonal Violence Policy, records of all reports, complaints, investigations, and resolutions will be confidentially maintained by the Title IX Coordinator for a period of seven (7) years and maintained in accordance with federal laws and guidelines, including the Family Educational Rights and Privacy Act ("FERPA"). Records of all reported complaints, regardless of whether resolved through formal or informal processes, will be kept by the Title IX Coordinator. Records maintained by Human Resources, Office of the Provost and the Dean of Students Office will be kept by those offices consistent with the practices, obligations and requirements of those particular offices.

XII. Statement of Rights

A. Reporting Party's Rights

1. To be treated with respect by University officials.
2. To an investigation and appropriate resolution of all complaints of sexual discrimination and/or sexual harassment made in good faith to the appropriate University official(s).
3. To receive written notification that the responding party has been officially notified of the allegation of violating the University's Sexual Harassment and Interpersonal Violence Policy.

4. To be notified of the substance of the responding party's response, if any, to the allegations.
5. To be informed of and have access to campus support resources (such as Campus Ministry, the University Health and Counseling Centers, and the Violence Prevention and Action Center [VPAC]), as well as off-campus support services.
6. To experience a safe living, educational and work environment.
7. To bring a support person of their choosing, including, but not limited to, a friend, mentor, parent, advocate, or licensed attorney, during any meeting or interview. The support person cannot be someone who may be called as a witness. The role of the support person is to serve as an advisor. They may be present at any meeting or interview, but are not permitted to speak.
8. To decline to participate in conflict resolution procedures as the means for resolving an allegation.
9. To receive amnesty for minor student misconduct (such as alcohol or minor drug violations) that is ancillary to the incident.
10. To be free from retaliation for filing a complaint or otherwise participating in an investigation in good faith.
11. To have complaints resolved in a manner that is substantially consistent with these procedures.
12. To full participation in this process, whether the injured party is the actual party or the University has brought the complaint, if desired.
13. To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible, and the rationale for the outcome where permissible.
14. The right to be informed by University officials, when appropriate, of options to report sexual harassment to proper law enforcement authorities and the option to receive assistance in notifying those authorities, if the individual so chooses.
15. To request accommodations or interim remedies/actions, as appropriate, including, but not limited to, academic accommodations. For residential

students, the ability to request housing and living accommodations, if appropriate.

16. A “no contact directive,” if appropriate. A no contact directive is an order from a University official to have no contact with a particular person or persons.

Contact is considered any verbal, written, electronic, non-verbal gesture, third party messages, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating. The University may add to the terms of a no contact directive within the context of the reported incident that preceded the order or concerns that have arisen during the investigation.

17. The right to submit an impact statement in writing to the Investigative Team. The impact statement will be reviewed by the Sanction Review Panel, only if a finding of “Responsible” is made.

18. The right to regular updates on the status of the investigation and/or resolution.

B. Responding Party’s Rights

1. To be treated with respect by University officials.
2. To an investigation and appropriate resolution of all complaints of sexual discrimination and/or sexual harassment made in good faith to the appropriate University official(s).
3. To receive written notification if officially accused of violating the University’s Sexual Harassment and Interpersonal Violence Policy.
4. To be notified of the substance of the allegations made by the reporting party.
5. To be informed of and have access to campus support resources (such as Campus Ministry, and the University Health and Counseling Centers.).
6. To experience a safe living, educational and work environment.
7. To bring a support person of their choosing, including, but not limited to, a friend, mentor, parent, advocate, or licensed attorney, during any meeting or interview. The support person cannot be someone who may be called as a witness. The role of the support person is to serve as an advisor. They may be present at any meeting or interview, but are not permitted to speak.

8. To decline to participate in conflict resolution procedures as the means for resolving an allegation.
9. To receive amnesty for minor student misconduct (such as alcohol or minor drug violations) that is ancillary to the incident.
10. To be free from retaliation for complaints made, or otherwise participating in an investigation, in good faith.
11. To have complaints resolved in a manner that is substantially consistent with these procedures.
12. To full participation in this process, whether the injured party is the actual party or the University has brought the complaint, if desired.
13. To be informed in writing of the outcome/resolution of the complaint and the rationale for the outcome, where permissible.
14. To request accommodations or interim remedies/actions, as appropriate, including, but not limited to, academic accommodations. For residential students, the ability to request housing and living accommodations, if appropriate.
15. A “no contact directive,” if appropriate. A no contact directive is an order from a University Official to have no contact with a particular person or persons.

Contact is considered any verbal, written, electronic, non-verbal gesture, third party messages, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating. The University may add to the terms of no contact directive within the context of the reported incident that preceded the order or concerns that have arisen during the investigation;

16. The right to submit an impact statement in writing to the Investigative Team. The impact statement will be reviewed by the Sanction Review Panel, only if a finding of “Responsible” is made.

17. The right to regular updates on the status of the investigation and/or resolution.

XIII. Revision

This Complaint Resolution Process, along with the Sexual Harassment and Interpersonal Violence Policy, will be reviewed and updated annually, if necessary, by the Title IX Coordinator. Typically, such review and update will be concluded each summer, with appropriate input

reviewed throughout the preceding academic year. The Coordinator may make minor modifications to the Complaint Resolution Process that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator may also vary procedures materially with notice (on the University's website, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Policy and procedures generally will be effective as of the date of implementation. Policy and procedures in effect at the time of the offense will apply even if the policy or procedure is changed subsequently, unless the parties consent to be bound by the current policy.

XIV. Discretion

Where an issue is encountered during a case that is not addressed specifically by this Complaint Resolution Process or the Policy, the University has the discretion to determine, in a good faith effort to comply with applicable legal requirements, how to address such an issue.

XV. Conclusion

The University encourages all members of its community, as well as visitors, to embrace and abide by the concepts of fairness reflected in this document. Accordingly, the University encourages honesty and candor on the part of anyone participating in any investigatory process. Further, where the investigatory process finds that no policy violation occurred yet wounds nonetheless are known to exist, the University encourages the parties involved to participate in attempts to bring healing to the fractured relationship, and in so doing, to exercise patience, cooperation and compassion.

Where an issue arises that is outside the scope of the policy or this process – i.e., an issue not related to misconduct involving sex/gender or interpersonal violence – staff employees may contact Human Resources at (216) 397-1905; faculty may contact the Provost's office at (216) 397-4762; and students should contact the Dean of Students Office at (216) 397-3010.

Any visitor to campus who experiences perceived misconduct outside the scope of the policy or process should consult with their contact on campus, or contact the Office of Legal Affairs at (216)-397-1590. In any situation where an emergency exists, contact the JCU Police Department at (216) 397-1234 or call 911.

Smoking Policy

John Carroll University is committed to providing a healthy, comfortable, and productive environment for students, faculty, staff, contractors, vendors, and visitors of this campus. Therefore, smoking is prohibited in all buildings on university premises. There are no designated smoking areas in any university operated buildings. Each building has one entrance designated as smoke-free. Smoking within 50 feet of the main entrances of residence halls and within 25 to 50 feet of the designated smoke-free entrances of other university buildings is prohibited.

The American Lung Association estimates that every year in the U.S., more than 480,000 people die from tobacco use and exposure to secondhand smoke, making it the leading cause of preventable death in this country.

The University is highly committed to supporting all students who wish to stop using tobacco. For information on resources go to <http://sites.jcu.edu/wellness>.

Solicitation

Solicitation on University property is strictly prohibited without the prior permission of the Associate Director of Student Engagement or appropriate academic dean or department head.

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 head of hall/area coordinator/community coordinator.

Students are encouraged to call JCUPD (216-397-1234) to report any questionable solicitation activity.

University Heights Police Department

University Heights Police Department (UHPD) serves the University Heights community, of which John Carroll is a part. UHPD enforces all state laws and city ordinances for the safety of everybody in the community. UHPD monitors and responds to 911 calls. UHPD 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.

UHPD 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 ordinances regarding driving and parking are listed for your information. These ordinances, enforced by UHPD, are the most frequently violated.

University Heights Ordinance 432.7 Prohibits use of electronic wireless devices while driving, with a \$100.00 fine or more for additional offenses. Similar ordinances are in effect in Shaker Heights, Beachwood, South Euclid and many other surrounding communities.

Additionally, drivers should be aware of the prohibition for vehicles to turn right (west) onto Carroll Boulevard from Southbound Belvoir Boulevard between 7:00 a.m. and 6:00 p.m. weekdays. This is strictly enforced with fines of \$100.00.

- **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.