



2021–22  
Student Handbook

SANTA CLARA UNIVERSITY





## **STATEMENT OF STUDENT RESPONSIBILITY**

You and the University share the responsibility for your education. In keeping with this commitment, the University has developed a Student Conduct Code and related standards, policies, and procedures to guarantee each student's freedom to learn and to protect the fundamental rights of others. The concept of rights and freedoms carries with it corresponding responsibilities for which students are accountable. It is the responsibility of all students, undergraduate and graduate, those living on campus and off campus, to know and abide by the standards, policies, and procedures that govern their conduct as members of the University community.

## **WEBSITE INFORMATION AND PRODUCTION STATEMENT**

This handbook is published by the Office of Student Life and is intended to be used in conjunction with the Undergraduate Bulletin. For the most up-to-date version of the handbook, refer to the following web address: <https://www.scu.edu/osl/policies-and-protocols/>.



# WELCOME

Dear Student,

Welcome to the new academic year at Santa Clara University! We begin our year with renewed hope and refreshed minds and hearts, while we continue to carefully navigate the persistent presence of COVID-19. Now more than ever, our Jesuit tradition guides us in our educational endeavors with strength and wisdom in a challenging environment.

Founded in 1851 and rooted in the Jesuit Catholic tradition, Santa Clara has excelled at educating the whole person in mind, body, and spirit. Here you will learn the knowledge and skills to act effectively. You will develop your ability to reason with ethical conviction and grow in solidarity with those on the margins of society. You will expand your imagination and enlarge your heart. Along the way, you will form friendships that will last a lifetime.

Our outstanding faculty and staff will help you to learn, live, and thrive at Santa Clara and beyond. Here you will examine social challenges of the day — such as the recent calls for greater racial justice — and learn to advocate for lasting solutions. You will have opportunities to deepen your understanding of your spiritual life, regardless of your faith tradition. You will encounter people different from you and expand your horizons. At the end of your academic career at Santa Clara, you will be ready to lead and serve in your community.



So, study hard. Get involved. Meet people different from you. Try something new. Serve those in need. Engage thoughtfully and respectfully in conversations that really matter. Practice now how you will live your life to make the world a more, just, gentle, and sustainable place for all.

Consider this handbook as a guide for living responsibly as a member of our community. Read it carefully and it will serve you well.

Go Broncos!

Lisa A. Kloppenberg,  
Acting President

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# COMMUNITY STANDARDS

## Introduction

Welcome to Santa Clara University. Santa Clara's distinctive tradition expects from each of its community members an uncompromising commitment to excellence and to social responsibility that seeks to fashion a more humane and just society. Competence, conscience, and compassion are the cornerstones of our community values. To achieve our common goals, we must create a community environment that is shaped by its expressed values. The Student Handbook seeks to reflect the values of the community and unite them into a usable guide.

The Santa Clara University community includes students, faculty, staff, parents, alumni, neighbors, guests, and friends of the University. As a community, enriched persons of diverse backgrounds, we respect differences, encourage open dialogue, and commit to caring for all members of the community. Every member of the community serves as a representative to other members of our community, both on and off campus. Members of this community freely affiliate with the University and should be prepared to contribute to and abide by the standards set forth in this handbook.

Santa Clara University believes that the life of the University rests in the hands of each and every community member. Sharing this responsibility should lead all community members to make the most of their talents, to be sensitive to one another and work together, and to seek justice within and beyond the Santa Clara University community.

All community members are called upon to promote actions and behaviors that are consistent with the values of Santa Clara University and to confront, challenge, and respond to actions that are inconsistent with the established standards. This Student Handbook has been designed to frame your role within the Santa Clara University community. Every attempt has been made to provide a clear explanation of the standards, policies, and procedures that reflect the type of community that you are joining. Familiarizing yourself with the contents of this handbook is an investment of time that you will not regret.

## Statement of Community Values

The Santa Clara University community is dedicated to the promotion of values consistent with academic and personal excellence. Choosing to join this community evidences your acceptance of these values.

As a member of this community, I will practice personal and academic integrity.

Living this value looks like:

- Being a “person of conscience,” a person who acts ethically, whose decisions reflect moral sensitivity, judgment, commitment, and courage
- Showing consistency in my beliefs, my words, and my actions personally and professionally
- Being honest, responsible, and accountable in my scholarly activities, making course work my top priority, and taking credit only for my own work
- Accepting responsibility for my own actions and holding others accountable for their actions

Living this value is inconsistent with:

- Failing to take responsibility for my behavior
- Engaging in dishonest behavior such as cheating or falsifying information
- Tampering with data systems or computer networks

As a member of this community, I will respect and care for myself, others, and their property.

Living this value looks like:

- Maintaining my health in mind, body, spirit, and soul
- Treating other people and the environment with dignity, as I expect to be treated
- Being a “person of compassion,” who stands with others in their need and takes action to help build a more just and humane world
- Recognizing and actively protecting the property rights of others in my apartment, neighborhood, residence hall, on campus, and in the surrounding community

Living this value is inconsistent with:

- Behaving in ways that cause others emotional distress, threaten or discourage the freedom, personal safety, and respect that all individuals deserve
- Hurting myself and others through the use or distribution of drugs or alcohol
- Creating a dangerous environment by tampering with safety equipment or smoke detectors

As a member of this community, I will value diversity and learn from diverse people, ideas, and situations.

Living this value looks like:

- Understanding that differences in gender, socioeconomic status, ethnic background, race, culture, religion, sexuality, physical abilities, and other differences are rich opportunities for learning about other people, the world, and myself
- Working to understand and overcome personal, institutional, and societal biases, injustices, prejudices, and stereotyping
- Being fair, assigning benefits and burdens to people according to consistent, equitable, and just criteria

Living this value is inconsistent with:

- Harassing or threatening other members of the community
- Using degrading language toward any person or toward members of a specific group
- Arguing or hampering my community's right to the communication of ideas and ideals just because they don't represent my own
- Validating unequal behavior toward a person because of gender, socioeconomic status, ethnic background, race, culture, religion, sexuality, physical abilities, and/or other differences

As a member of this community, I will seek, share,  
and contribute to the common good.

Living this value looks like:

- Basing my actions on the belief that my own good is inextricably bound to the good of the whole community
- Contributing my talents and participating fully in the life and events of the community
- Engaging in the open dialogue and deep communication necessary to create a real rather than a “pretend” community
- Showing careful stewardship of common space, property, and equipment

Living this value is inconsistent with:

- Not conveying a respect and responsibility for my University community
- Resisting learning about the perspectives shared by other community members
- Engaging in selfish or inconsiderate behavior

As a member of this community, I will be a leader-in-service  
to the campus and greater community beyond campus.

Living this value looks like:

- Seeking to understand not only “what is” but “what should be” and working actively to bring that about
- Making no decision without considering its effects on people who are poor, in need, and with the fewest resources
- Consistently role-modeling behavior reflective of the three Cs (Competence, Conscience, and Compassion)

Living this value is inconsistent with:

- Not valuing the efforts of community service activities
- Perceiving leadership as someone else’s responsibility to the campus and outside community

## Statement of Responsibilities and Standards of Conduct

A goal of Santa Clara University is to provide students with a general education so that they will acquire knowledge, skills, and wisdom to deal with and contribute to contemporary society in constructive ways. As an institution of higher education rooted in the Jesuit tradition, the University is committed to creating and sustaining an environment that facilitates not only academic development, but also the personal and spiritual development of its members.

This commitment of the University encourages the greatest possible degree of freedom for individual choice and expression with the expectation that individual members of the community will:

- Be honest
- Demonstrate respect for oneself
- Demonstrate respect for others and property
- Demonstrate respect for the law and University standards, policies, and procedures, their administration, and the process for changing them

In keeping with this commitment, this Statement of Responsibilities and Standards of Conduct and related policies and procedures have been formulated to guarantee each student's freedom to learn and to protect the fundamental rights of others. The University administration has established standards, policies, and procedures that are necessary to achieve its objectives as a Catholic, Jesuit university. These standards, policies, and procedures are inclusive of the laws of the nation, the state of California, and the local community.

All members of the Santa Clara University community are expected to conduct themselves in a manner that is consistent with the goals of the institution and demonstrate respect for self, others, and their property. Students living off campus are members of this community and, as such, are representatives of the University to the community-at-large. In this regard, students living off campus maintain an equal measure of accountability to the values and expectations of all members of this community as identified in the Student Conduct Code.

Whether living in or traversing through the neighborhood, or parking in the streets, students are expected to adhere to the same high standards of conduct and behavior that are consistent with the students' developing role as responsible and accountable citizens and reflect well upon the Santa Clara University community.

## Student Conduct Code

All members of the University community have a strong responsibility to protect and maintain an academic climate in which the fundamental freedom to learn can be enjoyed by all and where the rights and well-being of all members of the community are protected. To this end, certain basic regulations and policies have been developed to govern the conduct of all students as members of the University community.

The University reserves the right to review student conduct that occurs on and off campus when such behavior is inconsistent with these expectations and the Student Conduct Code. In addition, students are responsible for the actions of their guests and will be held accountable for any violations of University standards, policies, and procedures by a guest. Students should accompany their guests while on campus. If necessary, the University reserves the right to limit the guest privileges of a student.

The following acts may subject students to disciplinary action:

1. Engaging in any form of academic dishonesty such as plagiarism (i.e., representing the work or ideas of others as one's own without giving proper acknowledgment), cheating (e.g., copying the work of another person, falsifying laboratory data, sabotaging the work of others), and other acts generally understood to be dishonest by faculty or students in an academic context. (Law students, refer to School of Law code.)
2. Illegal use, possession, or distribution of drugs. The use or possession of equipment, products, or materials that are used or intended for use in manufacturing, growing, using, or distributing any drug or controlled substance. Possessing, concealing, storing, carrying, or using any drug paraphernalia as defined in California Health and Safety Code §11364.5, including, but not limited to, objects intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body.
3. Falsification or misuse, including non-authentic, altered, or fraudulent misuse, of University records, permits, documents, communication equipment, or identification cards and government-issued documents
4. Knowingly furnishing false or incomplete information to the University, a University official, or conduct hearing board in response to an authorized request
5. Disorderly, lewd, indecent, or obscene conduct; excessive or prolonged noise; behavior that interferes with the orderly functioning of the University, or interferes with an individual's pursuit of an education on University-owned or controlled property or during an authorized University class, field trip, seminar, competition or other meeting, or University-related activity
6. Detention, physical abuse, or conduct that threatens imminent bodily harm or endangers the physical well-being of any person, including harm to self

7. Nonconsensual physical contact of a sexual nature such as sexual misconduct, sexual assault, and rape
8. Destruction, damage, or misuse of University property or the property of any other person or group
9. Theft or conversion of University property or the property of any other person or group
10. Hazing, harassing, stalking, threatening, bullying, degrading language or actions, or any practice by a group or individual that degrades a student or employee, endangers health, jeopardizes personal safety, or interferes with an employee's duties or with a student's class attendance or a person's educational pursuits
11. Engaging in single or multiple acts – verbal, written, or physical—in violation of the Student Conduct Code motivated in whole or in part by a person or group's actual or perceived race, color, national origin, ancestry, sex, sexual orientation, age, religious creed, physical, or mental disability, medical condition, as defined by California law, marital status, citizenship status, gender identity, gender expression, genetic information, military or veteran status, or other status protected by law, and which has the purpose or effect of unreasonably and substantially interfering with an individual's or group's safety or security, or which creates an intimidating, hostile, and objectively offensive educational, living or working environment. Bias-related conduct in violation of the Student Conduct Code on the basis of actual or perceived religious faith and political affiliation/orientation is also prohibited.
12. Making a video recording, audio recording, or streaming audio/video of private, non-public conversations and/or meetings, inclusive of the classroom setting, without the knowledge and consent of all recorded parties<sup>1</sup>
13. Intentional obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities; or obstruction or disruption that interferes with the freedom of movement, both pedestrian and vehicular

<sup>1</sup>*The recording of classroom lectures, discussions, simulations, and other course-related activity is governed by this University recording policy, which balances the legitimate needs of students with disabilities that require the accommodation, the intellectual property concerns of its instructors, and the privacy of its students. In some instances, federal law may permit students with documented disabilities to record classroom activity. The Office of Accessible Education determines if classroom recording is an appropriate academic adjustment, auxiliary aid, and/or service with respect to each individual student's documentation.*

14. Possessing, concealing, storing, carrying, or using any real or simulated weapons (including toy guns). The definition of weapons includes, but is not limited to, firearms (including BB/pellet, Airsoft, and paintball guns—regardless of whether they are disassembled), knives (switchblade, double-edged, hunting-style [fixed-blade] of any length, throwing, folding [pocket-style with a blade that locks into place], and knives with blades of 2.5 inches in length or greater), explosives (including, though not limited to, fireworks and firecrackers), ammunition, dangerous chemicals, or any other dangerous weapons or instruments, or chemicals as defined by, though not limited to, California State Law except if expressly authorized by University policy or procedure (see “Housing and Residence Life Policies” for information that pertains to Residence Life).
15. Unauthorized entry into, or use or defacement of University facilities, including residence halls and other buildings and grounds, including unauthorized entry into, or presence in or on a University building; unauthorized erection, or use on University property of any structures including specifically, but not limited to tents, huts, gazebos, shelters, platforms, and public address systems; or unauthorized use of University property for dances, concerts, assemblies, meetings, sleeping, cooking, or eating if said activity interferes with the operation of the University or surrounding community
16. Publication, posting, or distribution through the use of University resources (e.g., computer networks, telephone lines, email services, Internet connections), or at authorized University activities of material that violates the law of libel, obscenity, postal regulations, the fair use of copyrighted materials, or any law or statute or University policy
17. Failure to comply with a reasonable request or order of a University executive or other authorized official(s) inclusive of compliance on and off campus with local, county, state, and federal COVID-19 health orders; refusal or failure to leave such premises because of conduct prescribed by this code when such conduct constitutes violations of this code or a danger to personal safety, property, or educational or other appropriate University activities on such premises; or refusal or failure to identify oneself when requested by a University official provided the official is identified and indicates legitimate reason for the request
18. Possession, consumption, sale, or action under the influence of alcoholic beverages by persons under the age of 21; furnishing alcoholic beverages to persons under the age of 21; consumption of alcoholic beverages in a public place (all areas other than individual residences, private offices, and scheduled private functions); excessive and inappropriate use of alcoholic beverages. (See also “Alcohol and Marijuana Policies Within University Housing” on page 81.)

19. Engaging in acts or deeds that may violate existing federal, state, county, or municipal laws or ordinances that materially or adversely affect the individual's suitability as a member of the Santa Clara University community.
20. Tampering with, removing, damaging, or destroying fire extinguishers, fire alarm boxes, smoke or heat detectors, emergency call boxes, and other safety equipment anywhere on University property; creating a fire, safety, or health hazard; or failure to respond to fire alarms, evacuate buildings during alarm activation, or respond to the directions of emergency personnel
21. Any behavior that disrupts or causes disruption of computer services; damages, alters, or destroys data or records; adversely affects computer software, programs, systems, or networks; or uses data, computer systems, or networks to devise or execute any scheme to defraud, deceive, extort, or wrongfully obtain money, property, or data

*Students who are alleged to have violated the Student Conduct Code may be subject to disciplinary action and, if applicable, may also be subject to criminal prosecution. A reported violation involving alcoholic beverages, marijuana, other drugs, and related equipment or paraphernalia, or weapons (real or simulated) will result in those items being confiscated and disposed of (when appropriate) by a responding University official.*



# UNIVERSITY STANDARDS, POLICIES, AND PROCEDURES

*The following standards, policies, and procedures are designed to foster a climate in which students can succeed during their time at the University. All students are expected to familiarize themselves with these standards, policies, and procedures and adhere to them.*

## **Academic Integrity**

Both the Undergraduate Bulletin and the Student Handbook outline the University's expectations that all members of the University community are expected to be honest in their academic endeavors. Engaging in any form of academic dishonesty or other acts generally understood to be dishonest by faculty or students in an academic context subjects a student to academic and disciplinary action. For more about Academic Integrity, go to **<https://www.scu.edu/academic-integrity/>**

Santa Clara University Students affirm the following commitment to academic integrity:

*"I am committed to being a person of integrity. I pledge, as a member of the Santa Clara University community, to abide by and uphold the standards of academic integrity contained in the Student Conduct Code."*

## **ACCESS Credential Policy**

### Credential Use

The ACCESS Credential serves as Santa Clara University's multipurpose photo identification card credential which enables library circulation, facility access, and cashless purchasing. The credential, related accounts, and access privileges are nontransferable. The individual identified by the credential is responsible for all usage of his or her credential and is the only one authorized to present the card for services, access, or purchases. A student using a credential that does not belong to him or her may have that credential confiscated and may be referred to the Office of Student Life for disciplinary action.

## Lost/Stolen Credentials and Replacement Fees

The credential holder is responsible for suspending any lost or stolen ACCESS credential immediately. The loss may be reported to the ACCESS Office during business hours. After hours, students can suspend their credentials by contacting Campus Safety Services at 408-554-4441 or by visiting the Online ACCESS Office. The credential holder is responsible for all credential usage prior to the request for credential suspension. If the suspension request is reported within 48 hours of the loss of the credential, the credential owner's liability does not exceed \$50 in unauthorized charges. If the suspension request is not made within 60 business days of the loss, the credential owner's liability for unauthorized charges may be limited only to funds available on account. Damaged or defaced ACCESS credentials are no longer valid and must be replaced. A \$20 fee is charged to replace a lost, stolen, or damaged credential.

## ACCESS Credential Accounts

The credential owner agrees to be bound by all account terms and conditions set forth in the ACCESS Agreement. Except for a \$48 printing credit, all ACCESS accounts are debit accounts, not credit accounts, and must maintain deposits sufficient to cover the cost of purchases. The card owner may review recent charges made to his or her account online at the Online ACCESS Office and may request written statements of detailed account activity through the ACCESS Office.

## Closing Accounts, Refunds, and Returns

Resident Dining meal plans are nonrefundable and expire at the end of each academic term, the housing contract date, or withdrawal from Santa Clara University. Dining Plus plans are nonrefundable and expire at graduation or separation from the University.

Any returned purchase originally made on an ACCESS account must be credited back to that account. There are no cash refunds or withdrawals from an active ACCESS credential account. The card owner is charged \$25 for any check submitted to the ACCESS Office that is subsequently returned by the bank. An ACCESS credential may be suspended until the returned check is cleared. A deficit balance created by an unresolved or returned check may be charged to a credential owner's University Bursar Account.

## Account Error Resolution

If an error is noticed on an ACCESS receipt or statement, the credential owner should contact the ACCESS Office no later than 60 days after the error appears. If the report is made orally, a written confirmation may be required within 10 days. Investigation results should be available within 10 days of notification; if more time is needed, an investigation may take up to 45 days. If no error is found, a written explanation is provided within three business days after the close of the investigation. The credential owner may request copies of the documents used in the investigation.

## Office of Accessible Education

Santa Clara University seeks to respect each person's dignity and desire for personal growth and accomplishment, and is committed to ensuring that enrolled students with disabilities be given equal opportunity for full participation in all programs without discrimination based on disability. The University will make every reasonable effort to remove existing barriers, whether physical, programmatic, or attitudinal, and to ensure that new barriers are not erected. Santa Clara University is committed to providing access for qualified students with disabilities to University programs. This policy is in line with the University's nondiscrimination policy, which applies to all qualified participants with disabilities in employment, access to facilities, student programs, activities, and services.

## Resources

The Office of Accessible Education has been designated by the University to ensure access for all qualified students with disabilities to all academic programs and University resources. This goal is met through the provision of academic accommodations, support services, self-advocacy skill training, and disability-related educational programming for the University community. The Office of Accessible Education is located in Benson Center, Lower Level, Room 1. The Office of Accessible Education is open Monday through Friday from 8 a.m. to 5 p.m.

## Alcoholic Beverage Policy

The Alcoholic Beverage Policy of Santa Clara University is based on the central and fundamental educational focus of the University of creating an environment that fosters learning. The University believes in personal responsibility, moral growth and development, awareness of communal consequences of personal choices, obligation of citizenship, and responsible

decision making. The University strives to build a community that is welcoming, hospitable, fair, inclusive, rooted in mutual understanding and appreciation, and respectful of diverse perspectives, traditions, and practices. Therefore, it is critical that the members of the University community be committed to the physical and emotional health and well-being of those who work, study, or congregate at the University. The policy serves as a guide and applies to all members of the campus community including students, parents, staff, faculty, alumni, and guests of the University.

The Alcoholic Beverage Policy is set in the context of the legal requirements governing the sale, consumption, and distribution of alcoholic beverages and in the context of community expectations for, not only upholding the laws, but also sharing responsibility for the safety and welfare of other members of the community. The University will not tolerate disregard for the law, or behaviors and practices that counter the education of the whole person, compromise rigorous and imaginative scholarship, inhibit moral and spiritual development, and constrain the University's fundamental values. Consequently, the University does not condone underage drinking and considers intoxication, disorderliness, or offensive behavior deriving from the use of alcoholic beverages to be unacceptable, regardless of a person's age, or on-campus or off-campus status.

To cultivate a campus environment consistent with the stated goals and purposes of an educational institution, the University has adopted the following policies and procedures for the use of alcoholic beverages.

1. The service and consumption of alcoholic beverages on the University campus and at University-sponsored events off campus shall be done in compliance with applicable municipal, state, and federal laws and regulations, and in accordance with University policies and procedures. All persons on the University campus or at any University-sponsored event off campus where alcoholic beverages are being served or consumed are expected to abide by and respect all such laws, regulations, policies, and procedures. (See the following section for a partial listing of laws.)
2. Alcoholic beverages at events held on campus shall be supplied and sold only by the University food service provider or another designated, licensed agent of the University, except in situations covered by No. 5 of this policy. No other individual person or private party shall supply or sell alcoholic beverages at on-campus events or hold the license for the sale of alcoholic beverages on campus.
3. Alcoholic beverages shall not be served or consumed in public areas of the University except at authorized University events. Public areas include all

indoor and outdoor spaces on the campus except individual residences and private departmental work areas and offices.

4. Alcoholic beverages shall not be served or consumed at any University-sponsored club sport athletic event or recreational sports activity.
5. The sponsorship of events by alcoholic beverage companies or distributors is limited to cash donations, donated products (other than those that directly promote or advertise alcoholic beverages) in support of fundraising or other special events as approved by the appropriate vice president, vice provost, or dean; and materials for University educational programs. The use of donated products for events that are held in Benson Memorial Center must also be approved by the University liaison to the food service contractor.
6. Alcoholic beverages may be served at on-campus events sponsored by University-affiliated student organizations whose membership is predominantly 21 years of age or older and/or at on-campus events specifically for the senior class, provided that University operating funds are not used to purchase the alcohol for the event.
7. The service of alcoholic beverages at all events on campus shall be in accordance with the Event Management Plan for Events with Alcohol, which should be submitted and approved by the Vice Provost for Student Life or designee.
8. For student organization-sponsored events off campus that include the service of alcoholic beverages, and that require University approval of the contract or agreement with the off-campus facility, an Addendum to Agreement must be signed by the service provider and received by the Vice Provost for Student Life or designee. (Copies of this addendum are available in the Center for Student Involvement.)

## **Responsible Hosting of Events Where Alcohol Is Served**

The event manager for events where alcoholic beverages are served is responsible for implementing the following practices:

1. A University-affiliated student organization must identify an event manager responsible for planning and managing the event. The event manager must be present throughout the entire event and must remain alcohol-free prior to, and during the event. The event manager, hosting student organizations advisor, and the manager of the facility or his/her designee will work together to ensure that all University event planning requirements are met.
2. The event manager must complete the Event Management Plan for Events with Alcohol and obtain all required signatures prior to the event.

3. An appropriate crowd management and security plan shall be developed for the event to monitor excessive drinking, control disorderly behavior.
4. The location used for the event should have controllable points of entry and exit.
5. Alcoholic beverages should not be the primary focus of an event (e.g., progressive drinking party, kegger, or happy hour). Alcoholic beverages shall not be used as an inducement to participate in an event.
6. Promotions for the event shall not portray symbols of alcoholic beverage consumption (e.g., foaming mugs, cans, glasses, or kegs), shall not include any form of abusive consumption (e.g., drinking contests or competitions), and shall not emphasize frequency or quantity of alcoholic beverage consumption.
7. Promotions for the event should state that “identification will be required.”

## Partial Listing of Laws

### **California State Laws on Alcohol**

1. It is a crime to sell, furnish, or give alcoholic beverages to a person under the age of 21, or to any obviously intoxicated person.
2. It is a crime for a person under the age of 21 to purchase or possess alcoholic beverages.
3. It is a crime to sell alcohol without a valid liquor license or permit.
4. It is a crime for any person to drink while driving, to have an open container of alcohol in a moving vehicle, or to drive under the influence of alcohol.
5. It is a crime to be intoxicated in a public place.
6. Intoxication is presumed at blood levels of 0.08 percent or higher, and may be found with blood alcohol levels from 0.05 percent to 0.08 percent.

### **Penalties for Drunk Driving Offenses**

1. First offense: required attendance at an alcohol/drug program, fines of up to \$1,000, up to six months in jail, and driver’s license suspension up to six months.
2. Second offense: fines up to \$1,000, imprisonment up to one year, driver’s license suspension up to 18 months, and/or a required drug/alcohol program of up to 30 months.

3. Third offense: similar sanctions to Nos. 1 and 2 above plus revocation of driver's license.
4. Fourth offense: revocation of driver's license; one year in a state prison or county jail.
5. Refusal to submit to a blood alcohol content test: driving privileges are suspended for one year, for two years if there is a prior offense within seven years, and for three years if there are three or more offenses within seven years.
6. Drivers under the age of 21 found with any measurable amount of blood alcohol will have their driver's license suspended for one year. If the driver does not have a license, there will be a one-year delay in obtaining one.

### **University Student Disciplinary Actions**

See "Minimum Student Conduct Hearing Outcomes for Alcohol, Marijuana, and Other Drug Violations" on pages 105–114.

### **Medical Amnesty and Good Samaritan Statement**

Santa Clara University encourages students to offer help and assistance to other students in need, both on and off campus. Sometimes students are hesitant to offer assistance to other students because they fear that they may be charged with policy violations, or that the student needing medical attention may receive disciplinary sanctions. For example, an underage student who has been drinking might, for someone who may be suffering from alcohol intoxication and/or alcohol poisoning, hesitate to seek help from Campus Safety, Emergency Medical Services (EMS), or a Community Facilitator (CF).

The *Medical Amnesty* statement allows the reduction of disciplinary consequences for students who receive medical attention due to alcohol intoxication and/or alcohol poisoning. This statement applies to violations that occur on and off campus, and will require documentation by Campus Safety, EMS, law enforcement, and/or emergency personnel.

The *Good Samaritan* statement allows the elimination of disciplinary consequences for a student(s) who may be under the influence of alcohol and who make(s) a good-faith call for medical help on the behalf of a fellow student. This statement applies to violations that occur on and off campus and will require documentation by Campus Safety, EMS, law enforcement, and/or emergency personnel. The Good Samaritan statement is not limited to alcohol-related incidents and also encourages witnesses of assault, vandalism, and other violations of the Student Conduct Code to report such events.

### Person in need of medical attention (Medical Amnesty):

A student requiring medical attention due to alcohol intoxication and/or alcohol poisoning will receive reduced educational sanctions, instead of the minimum standard of disciplinary action.

- If the student does not complete the educational sanction, which could include a one-on-one alcohol education program (e.g., BASICS), the student will be in violation of the Student Conduct Code.
- Medical Amnesty only applies to a student's first alcohol policy violation that requires medical attention, regardless of how the response was initiated.
- Medical Amnesty does not apply to other violations of the Student Conduct Code.

### Calling on behalf of someone else (Good Samaritan):

Good Samaritan may apply to up to two people who are calling for assistance and/or providing support or assistance to a student requiring medical attention. The Good Samaritan(s) will need to be present when help arrives and will be required to provide his/her/their contact information to the responding agency (i.e., Campus Safety, EMS, law enforcement, and/or emergency personnel) to be included with their incident report. The Good Samaritan(s) will not face disciplinary consequences as long as no other violations of the Student Conduct Code have occurred.

This Medical Amnesty statement only applies to the University response to a student who receives medical attention due to alcohol intoxication and/or alcohol poisoning. Any student who abuses Medical Amnesty or Good Samaritan will be subject to disciplinary action for interfering with the orderly functioning of the University. Criminal investigations and other police action may still occur at the discretion of the responding law enforcement agency. In some cases, Campus Safety may be bound to report certain possible criminal details to local law enforcement agencies.

## Frequently Asked Questions

### A. Medical Amnesty

#### What is Medical Amnesty?

Medical Amnesty is the reduction of disciplinary consequences for students who receive medical attention due to alcohol intoxication and/or alcohol poisoning. This statement applies to violations that occur on and off campus

and will require documentation by Campus Safety, EMS, law enforcement, and/or emergency personnel.

*However, criminal investigations and other police action may still occur at the discretion of the responding law enforcement agency. In some cases, Campus Safety may be bound to report certain possible criminal details to the local police agency.*

### **What sanctions will I receive if I am granted Medical Amnesty?**

- Reduced educational sanctions, which could include a one-on-one alcohol education program (e.g., BASICS).
- Parental notification, if applicable. See “Parental Notification Policy” on page 26.

### **I have prior alcohol violations but have never received medical attention for alcohol reasons. If I require medical attention will I receive amnesty?**

Yes. You will receive medical amnesty, which means that you will not face the minimum standard of disciplinary action, but will be given educational sanctions.

### **Can I receive Medical Amnesty twice?**

No. A student is only eligible for Medical Amnesty one time.

### **Will I still receive Medical Amnesty if I am evaluated by emergency personnel but not transported to the hospital?**

Yes, if you receive medical attention for alcohol intoxication and emergency personnel determine that a hospital transport is not necessary, Medical Amnesty will still be granted. Medical Amnesty only applies to a student’s first incident of alcohol intoxication or poisoning that requires medical attention.

## **B. Good Samaritan**

### **What is Good Samaritan?**

Good Samaritan is the elimination of disciplinary consequences for a student(s) who may be under the influence of alcohol who make(s) a good-faith call for medical help on behalf of a fellow student. This statement applies to violations that occur on and off campus and will require documentation by Campus Safety and/or EMS, law enforcement, and/or emergency personnel. Good Samaritan is not limited to alcohol-related incidents. Witnesses of assault, vandalism, and other violations of the Student Conduct Code are encouraged to report such events under this policy.

**I'm worried about my friend who has passed out after having had too much to drink and I want to call for medical attention. However, I've been drinking, am under age 21, and have already been cited for alcohol policy violations. Will I get in trouble if I call for help for my friend?**

In nearly all cases, you will not receive any disciplinary actions provided you are cooperative with the responding officials and do not interfere with the response.

**Is there a limit to how many times Good Samaritan can apply to me?**

There is not a limit. The goal is to encourage students to not hesitate in seeking appropriate medical evaluation and treatment if a peer has been drinking in excess.

**If a group of us call for medical attention for a student, will Good Samaritan apply to all of us?**

Good Samaritan may only apply to up to two people who are involved in directly calling for medical assistance and/or providing support or assistance for the person requiring medical attention. The Good Samaritan(s) must stay with the individual requiring medical attention.

## **Alcohol and Controlled Substance Violations:**

### **Parental Notification Policy**

The Vice Provost for Student Life is responsible for determining if and by what means parents or legal guardians will be notified when students under the age of 21 are found to have committed serious or repeated violations of federal, state, or local laws, or of University policies related to the possession, use, or distribution of alcohol or a controlled substance. The Vice Provost for Student Life may assign the notification of parents or legal guardians to other University officials.

Notification of parents or legal guardians is indicated for violations of federal, state, or local laws, or for violations of any institutional policy regarding alcohol or controlled substances, in the event that these violations are also violations of the Student Conduct Code. Notification is also indicated in any of the following circumstances:

- The violation involved harm or threat of harm to self, other persons, or property
- The violation involved an arrest in which the student was taken into custody
- The violation suggests a pattern of alcohol or controlled substance abuse

- The student who committed the violation required medical intervention or transport as a result of consumption of alcohol or a controlled substance
- The violation resulted in, or could result in the student being disciplined by the University including, but not limited to, the minimum disciplinary sanctions for alcohol and other drug violations, housing contract probation, housing contract cancellation, disciplinary probation, deferred suspension, suspension, or expulsion

The University supports students assuming personal responsibility and accountability for their actions as they learn to establish their independence. The University also recognizes that the process of establishing personal independence requires support and, at times, assistance or intervention. In the appropriate circumstances, notification of parents or legal guardians can be a means of support in that transition. Consistent with this approach, the Vice Provost for Student Life or designee—whenever possible—will involve the student in a discussion about the decision to notify his/her parents or legal guardian and will inform the student that notification will take place.

Nothing in these proposed guidelines shall prevent University officials from notifying parents or legal guardians of health or safety emergencies, regardless of the disciplinary status of the student.

## **Bereavement Resources**

Santa Clara University recognizes that a time of bereavement is very difficult for a student. The University is committed to providing students with support through difficult and challenging times when someone in a student's life has passed away. The Office of Student Life is available to assist students and connect them with resources. If a student needs to be absent from classes due to a bereavement situation, the student should contact the Office of Student Life at (408) 554-4583 so that the Office of Student Life may assist the student by notifying the student's faculty. If the student wants to withdraw from the University, the Office of Student Life can assist with this along with providing information about the process for returning to the University.

It is the responsibility of the student to follow up with each faculty member as soon as practicable to make arrangements regarding missed class time and outstanding assignments. The sole authority for making decisions regarding missed class time and outstanding assignments resides with each professor.

Resources for students dealing with grief can be found at the following link: **[www.scu.edu/cowell](http://www.scu.edu/cowell)** (see **“Counseling Services”** and **“Getting Help with Grief”** sections)

## Bias Incident Reporting

The University defines a bias incident as any speech, act, or harassing action that targets, threatens, or attacks an individual or group because of its actual or perceived race, color, national origin, ancestry, sex, sexual orientation, age, religious creed, physical or mental disability, medical condition, marital status, citizenship status, gender identity, gender expression, genetic information, military or veteran status, or other status protected by law.

### University Response to Bias Incidents Involving Students

A report of a bias incident filed with the University is evaluated through the Student Conduct System. The University reserves the right to review all student conduct that occurs on and off-campus when such behavior is inconsistent with the Student Conduct Code.

Possible disciplinary actions for students found responsible for committing a bias incident or hate crime include educational actions, disciplinary probation, suspension, and expulsion. When applicable, student employees are also subject to termination of employment at the discretion of their supervisor.

Please note that bias incidents occurring in the context of employment at the University will be addressed by the Office of Human Resources and the Office of Equal Opportunity & Title IX. Contact Belinda Guthrie at **bguthrie@scu.edu** or 408-554-4113.

### Reporting Process

IF A HATE CRIME IS IN PROGRESS OR JUST OCCURRED, CALL CAMPUS SAFETY AT (408) 554-4444. If applicable, the University process is independent of a criminal investigation and court proceedings involving incidents that may be hate crimes in violation of the law.

A bias incident can be reported in one of the following ways:

- Office of Student Life, 8 a.m. to 5 p.m. at 408-554-4583 or Benson Memorial Center #205.
- Campus Safety at 408-554-4444. Any Campus Safety officer can take a report and will forward the information to the Office of Student Life.
- The Bias Incident Reporting Form ([https://cm.maxient.com/reportingform.php?SantaClaraUniv&layout\\_id=5](https://cm.maxient.com/reportingform.php?SantaClaraUniv&layout_id=5)) is an online reporting tool that is submitted to the Office of Equal Opportunity and Title IX. When appropriate, the Office of Student Life and other campus partners may be asked to assist with addressing concerns.

- The Ethicspoint online incident reporting tool (<https://secure.ethicspoint.com/domain/media/en/gui/15780/index.html>) is an anonymous way to file incident reports of bias, discrimination, and harassment.

After a report is filed, the University will conduct an in-depth inquiry that may include interviewing individuals involved or potential witnesses, or complaints. Acts of retaliation against any person filing a report are prohibited and will be subject to appropriate disciplinary action by the University.

The University will provide assistance and support of the reporting party(ies) and complainant(s) including receiving:

- Information about the University's response in a timely manner
- Information about access to counseling from the University's Counseling and Psychological Services
- Information and assistance about safety planning including access to campus escorts from Campus Safety Services for as long as the reporting party(ies)(s) feel(s) the service is needed
- Information about community resources such as social services, counseling services, or legal support

## Definitions

- **Reporting Party:** An individual who provides information about any bias incident/hate crime to a University official. The reporting party can be any person who witnessed the incident, the complainant, a friend, or advocate of the complainant.
- **Complainant:** An individual who is the object of an unwanted act, crime, or incident and who has filed a formal complaint with the University.
- **Respondent:** An individual who is allegedly responsible for committing and/or participating in the bias incident.
- **Witness:** An individual who was present while the bias incident was taking place and who can provide a first-hand account of what occurred.
- **Hate crimes** are motivated by bias and include a definable crime such as threats of violence, property damage, personal injury, and other illegal conduct.

## **Building Evacuation and Fire Safety**

The following standards are for the safety of all resident and nonresident students. Violation of many of these standards is also punishable by local and state law. Evacuation for fire alarms is required of all occupants of University buildings whenever an alarm is sounded. Be familiar with emergency evacuation routes from buildings in which you spend time.

Specific procedures are:

- Exit the building immediately by the proper pathway.
- Lock your door and take your ACCESS key card or Mobile Credential if you are a resident and in your room at the time the alarm sounds.
- Use stairways; do not use elevators.
- Once outside, move to your designated emergency assembly point.
- Do not return to an evacuated building until the all-clear signal is given by the designated incident commander.

Failure to evacuate for an alarm is a violation of city and state ordinances and will be treated as a serious violation of the Student Conduct Code.

Fire alarms and fire-safety equipment are located in each building to save lives and property. Initiating a false alarm or tampering with fire-safety equipment is a violation of University policy and Santa Clara City Ordinance Number 103.4. Violators face criminal prosecution with penalties of \$1,000 and/or six months in jail, in addition to University sanctions.

## **Communicable Diseases Policy**

Communicable diseases may be a potential health problem for the University population. As with any community, students studying and functioning in close proximity to one another are susceptible to communicable diseases. Communicable diseases are transmitted from one person to another by direct contact, through inhalation of infectious droplets, or through contact with contaminated objects.

Student Health Services within the Cowell Center provides evaluation, diagnosis, and treatment of infectious disease. Educational materials are available at the Cowell Center and the Wellness Center.

One measure to prevent communicable diseases is to maintain appropriate immunizations/vaccinations. Beginning academic year, 2020-21, Santa Clara University is implementing a new immunization policy. All incoming students are required to have the full Measles, Mumps, and Rubella (MMR) series. All incoming students residing in University housing are also required to have the

Meningitis vaccines (Menactra and MenB). All incoming students coming from Tuberculosis (TB) laden countries as defined by the World Health Organization (WHO) are required to have a TB screen/skin test after arriving in the United States.

Students diagnosed with certain communicable diseases, such as pandemic influenza, chicken pox, etc., must be isolated during the infectious period of their illness. Students who are isolated may not continue attending classes, obtaining meals in the various University dining facilities, or living in the residence halls. There is no provision made by the University for offering accommodations to contagious students who are required to leave the residence halls. However, depending upon the nature of the communicable disease, for example pandemic flu, the University may offer a limited number of accommodations for students with communicable diseases who live in a residence hall, need to travel home, stay with local relatives or friends, or stay at a nearby hotel or motel. Off-campus housing and travel arrangements are made at the student's expense.

Student Health Services routinely communicates and coordinates with the Santa Clara County Public Health Department. Should a communicable disease occur that requires campus-wide notification and/or treatment, Student Health Services would coordinate this process with the Public Health Department, as needed.

## **Computing and Electronic Resources Policies**

The computing and other electronic resources at SCU are provided solely for the support of students and employees in the pursuit of their scholarly or required academic activities, and for conducting the business of the University. General guidelines for use of computing, communication, and electronic resources on campus are based upon principles of etiquette, fairness, security and legality. In using these resources at SCU, community members are expected to be respectful of other individuals' ability to enjoy equal access to the resources, refrain from malicious or annoying behavior, take reasonable and responsible measures to protect confidential/sensitive information, and abide by state and national laws, including those related to intellectual property and copyright. When you join the SCU community, you are provisioned with credentials (IDs and passwords) that allow you access to a wide variety of University resources. These credentials should never be shared with others. More details are available in the University's Network and Communications Policies and Guidelines, accessible at [www.scu.edu/is/technology-policies-procedures-and-standards/](http://www.scu.edu/is/technology-policies-procedures-and-standards/) or available from Information Technology.

## Information Security Reporting

In order to comply with data privacy regulations, the University has an obligation to ensure the security and integrity of SCU computing and network resources. Examples of computing and network resources include user accounts and passwords, applications used to conduct university business (including but not limited to Gmail and Camino) network infrastructure, university computing equipment, and any data not designated as public.

Any student who suspects or becomes aware of a compromise to, or unauthorized use of, a Santa Clara University computing or network resource must notify the Information Security Office as soon as possible. Notification can be given to the Technology Help Desk at 554-5700 or [techdesk@scu.edu](mailto:techdesk@scu.edu), who will escalate the issue to the appropriate personnel.

## Contraception Availability Policy Statement

Santa Clara University, a Catholic, Jesuit university, provides educational information regarding contraception and related issues. Student Health Services within the Cowell Center strives to ensure students have clear, up-to-date, and candid information regarding contraception, sexual health, and related issues. Student Health Services does not provide condoms or prescribe contraceptive medications for the purpose of preventing birth.

Student Health Services' staff of a qualified campus physician, a physician assistant, nurse practitioners, registered nurses, licensed vocational nurses, and health educators provide education regarding contraception and related health issues. The goal of this educational approach is not only to provide information, but to assist students in clarifying their values, making decisions, and assuming personal and social responsibility for their choices.

## Crime Reporting (Clery Act)

Santa Clara University values the safety and well-being of our students, staff, and faculty, and visitors. The University community can only remain safe and secure through the cooperation of community members. By working together, we all can continue to make SCU a safe and welcoming university.

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Santa Clara University annually collects information about campus crimes and other reportable incidents as defined by the law. This information is made available to assist current and potential students and employees in making informed decisions regarding their attendance or employment at the University. It is the policy of Santa Clara University that the campus community will be informed on a timely basis of all reports of

crime and other information affecting the security of our campus and the personal safety of our students, faculty, staff, and guests.

For more information about campus safety policies, procedures, and statistics concerning campus crime, please see the Annual Security & Fire Safety Report (<https://university-operations.scu.edu/campus-safety/clery-act-compliance>). In addition, the Clery daily crime log is kept at the Campus Safety Office and may be viewed by any person, at any time.

### **Child Abuse and Neglect Reporting Act (CANRA)**

The University strives to safeguard the well-being of all children and encourages all members of the University community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a University facility or perpetrated by University personnel to promptly report the concern to appropriate law enforcement, external officials, and university officials.

The Child Abuse Neglect and Reporting Act (CANRA) requires that employers of mandated reporters promote identification and reporting of child abuse or neglect. Mandated Reporters under CANRA are responsible for reporting the incident themselves. They are not required to investigate any known or suspected cases of abuse.

It is the policy of Santa Clara University that all university employees (as well as volunteers and independent contractors) who, in the course of their business or volunteer activity, have reasonable suspicion of child abuse or neglect are required to make a report. This policy applies to all Santa Clara University locations and all University-sponsored or hosted programs, events, and activities, including study abroad programs. Please note that information learned through any confidential communications made to a clergy member subject to the clergy-penitent privilege is not required to be reported. For more information or questions related to this policy, please contact the Office of Equal Opportunity and Title IX (<https://www.scu.edu/title-ix>).

### **Death of a Student or Parent**

Students, faculty, or staff members who become aware of the death of a student should immediately notify Campus Safety Services at 408-554-4441 or the Office of Student Life at 408-554-4583. This applies during holiday periods as well. When an immediate family member of a student dies, the student, a friend of the student, or a faculty or staff member who is aware of the situation should notify the Office of Student Life. With the student's permission, the Office of Student Life staff will notify Campus Ministry and other departments in the University as deemed appropriate so that assistance

can be offered to the student or the family. The Office of Student Life will notify faculty members of student deaths, as appropriate.

## **Americans with Disabilities Act/**

### **Section 504 of the Rehabilitation Act of 1973**

In both practice and policy, Santa Clara University adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (ADAAA); Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; and all other federal and state laws and regulations prohibiting discrimination on the basis of disability.

The University is committed to providing individuals with disabilities, including (but not limited to) those with learning disabilities, ADHD, chronic health conditions, traumatic brain injuries, hearing impairments, physical disabilities, psychological disorders, visual impairments, and other health impairments, equal access to the academic courses, programs, activities, services, and employment opportunities, and strives in its policies and practices to provide for the full participation of individuals with disabilities in all aspects of University life.

For information concerning policies and procedures for students with disabilities, see the Office of Accessible Education (OAE) website (<https://www.scu.edu/oae>). Students with disabilities who are registered with the OAE office may be qualified to receive accommodations, auxiliary aids, or services based on supporting documentation. To register with OAE, students should contact the Director of OAE at 408-554-4109 or by email at [oaec@scu.edu](mailto:oaec@scu.edu).

Students, faculty, and staff who have questions or concerns about (1) disagreements or denials regarding requested services, accommodations, or modifications to University practices or requirements; (2) alleged inaccessibility of a University program or activity; (3) alleged harassment or discrimination on the basis of a disability, and (4) any other alleged disability discrimination should contact the Director of Equal Opportunity and Title IX, who has been designated as the University's ADA/504 Coordinator.

For more information or questions related to these policies, please contact the Office of Equal Opportunity and Title IX (<https://www.scu.edu/title-ix>).

## **Drug-Free Policies**

It is the goal of Santa Clara University to maintain a drug-free workplace and campus. The unlawful manufacture, distribution, dispensation, possession, and/or use of controlled substances or the unlawful possession, use, or distribution of alcohol is prohibited on the Santa Clara University campus, in the workplace, or as part of any of the University's activities. This includes the unlawful use of controlled substances or alcohol in the workplace even if it does not result in impaired job performance or in unacceptable conduct.

The unlawful presence of any controlled substance or alcohol in the workplace and campus itself is prohibited. The workplace and campus are presumed to include all Santa Clara premises where the activities of the University are conducted.

Violations will result in disciplinary action up to, and including termination of employment for faculty and staff or expulsion of students. A disciplinary action may also include the completion of an appropriate rehabilitation program. Violations may also be referred to the appropriate authorities for prosecution.

The program information is distributed on an annual basis to all faculty, staff, and students. New staff employees are given a copy at New Employee Orientation. New faculty employees are given a copy at New Faculty Orientation. The program is reviewed at least biennially by the Office of Student Life, Equal Opportunity & Title IX, and the Department of Human Resources. Contact the Office of Student Life for a complete copy of the program.

## **Eating Disorders**

Santa Clara University recognizes the prevalence of eating disorders, eating-related problems, exercise obsession, and body-image concerns in students. Eating disorders affect student learning in numerous ways including depleting students' energy, distracting their attention, diminishing their intellectual resources, causing depression and social withdrawal, and adversely affecting the morale of students around them. The University is committed to educating the whole student and sees the student's mind, body, character, and spirit as interrelated.

Our approach to students with potential eating disorders is to do a thorough medical and psychological evaluation. The medical and psychological staffs work as a team. If a student is determined to have an emerging or existing eating disorder, the medical and psychological practitioners will recommend a treatment plan. In many cases these students benefit from brief psychological therapy at the SCU Cowell Center–Counseling and Psychological Services (CAPS) combined with medical monitoring at Student Health Services.

Santa Clara University and Cowell Center (CAPS and Student Health Services) do not have the expertise or the specialized comprehensive resources and extended time to treat students who present themselves or are referred for evaluation of severe eating disorders. This is particularly the case with students who resist treatment. Students with serious eating disorders may be referred to outside providers or treatment facilities when so doing is deemed necessary for appropriate medical management.

## **Eligibility Policy for Participation in Student Activities:**

### **Academic Standing and Discipline Status**

Involvement outside the classroom provides significant opportunities to explore interests, develop skills and abilities, apply classroom learning in practical situations, gain professional experience, develop leadership competencies, and cultivate an appreciation of the diverse world in which we live. It also provides opportunities to meet new friends, participate in community service, work with others around shared goals and interests, and become peer mentors. Involvement, however, should not be at the expense of academic success. Those enrolled at Santa Clara University are college students before they are student leaders. As such, the University has adopted this policy to assist with students' academic success.

1. **Conditions for Involvement:** Students at Santa Clara University who are involved in student activities that are funded by the University (e.g., intercollegiate scholastic activities or intercollegiate athletic activities), and students who occupy a leadership position in organizations or associations recognized by the University, must fulfill the following conditions:
  - A. **Academic Standing:** The student must be in good academic standing with the University. To be in good academic standing, an undergraduate student must normally be enrolled full time, maintain a cumulative grade point average of at least 2.0 based on all courses taken at Santa Clara, and must have completed at least a minimum number of units as specified in the Undergraduate Bulletin for acceptable progress toward a degree. Graduate students involved in student activities must meet the academic status requirements of their division, school, or program.

B. **Discipline Status:** The student must be in good behavioral standing with the University. Students who are presently placed on disciplinary probation, interim suspension, deferred suspension, suspended, or expelled are not in good behavioral standing. **Students on interim suspension, deferred suspension, suspension, or are expelled are not allowed to participate in co-curricular and intercollegiate activities.** Students on disciplinary probation are not allowed to hold leadership positions or their participation is restricted for the following identified groups (see “Affected Groups and Restrictions Imposed”).

2. **Affected Groups and Restrictions Imposed:**

- A. All officers and major leaders of the nine Chartered Student Organizations and all recognized student clubs and organizations. The terms “officer” and “major leader” will be defined by the Center for Student Involvement.
- If the student is on disciplinary probation, the student is eligible to participate in the organization, but is not allowed to hold a leadership position.
  - If the student is on interim suspension, deferred suspension, suspended, or expelled, the student is not eligible to participate in the organization.
- B. Members of the University’s intercollegiate (including practice squad members) and club athletic teams.
- If the student is on disciplinary probation, the student is eligible to practice with the team, but is not allowed to compete.
  - If the student is on interim suspension, deferred suspension, suspended, or expelled, the student is not eligible to be a member of the team.
- C. Members of the University’s intercollegiate debate team.
- If the student is on disciplinary probation, the student is eligible to practice with the team, but is not allowed to compete.
  - If the student is on interim suspension, deferred suspension, suspended, or expelled, the student is not eligible to be a member of the team.
- D. Members of the Emergency Medical Service.
- If the student is on disciplinary probation, interim suspension, deferred suspension, suspended, or expelled, the student is not eligible to participate in the organization.

- E. Students who apply to study abroad or are admitted to a study abroad program.
- If the student is on disciplinary probation, interim suspension, deferred suspension, suspended, or expelled, the student is **prohibited from applying** for a study abroad program.
  - If the student is on disciplinary probation, interim suspension, deferred suspension, suspended, or expelled, the student is **not eligible to participate** in the abroad program.
- F. Students who are involved in the broad range of artistic performances on campus, including but not limited to auditions, recitals, and theatre productions.
- If the student is on disciplinary probation, interim suspension, deferred suspension, suspended, or expelled, the student is not eligible to participate in the program.
- G. Students who hold internships in the Campus Ministry department.
- If the student is on disciplinary probation, the student is not eligible to perform the duties of an intern until the end of the probationary period.
  - If the student is on interim suspension, deferred suspension, suspended, or expelled, then the student is not eligible to participate in non-public Campus Ministry activities.
- H. Students involved in other organizations and activities that the University Policy Committee on Student Affairs shall periodically recommend to the University administration and which shall be so declared by the University administration.

As a result of their participation in any of the above activities, the financial aid of students who may be receiving aid from the University will be affected, according to the policy defined in the current Limitations on Financial Aid Eligibility: Undergraduates, which is published by Financial Aid and the Financial Aid Eligibility policy detailed in the Undergraduate Bulletin. Nothing in the above shall prohibit any department or division in the University or the advisor(s) of any regulated student activity from setting their own higher standards.

## Hazing Policy Statement

Hazing is defined as any action, activity or complicity in an activity, which recklessly, intentionally, or knowingly causes or endangers the mental, emotional, and/or physical health or safety, or personal degradation to any person, or could reasonably be foreseen to result in such harm, that was committed in connection with initiation into, an affiliation with, or continued membership in a group affiliated activity, whether or not the organization or body is officially recognized by the University, and whether individually or in concert with other persons, against another person(s).

An action is still considered hazing regardless of the apparent or actual consent of the involved individual or individuals. Failing to prevent, discourage, and/or report hazing may violate this policy. Student organizations, clubs, or teams whose members participate in or encourage hazing activities will also be subject to appropriate University disciplinary action.

## Health and Well-Being and Conditional Health and Well-Being Withdrawal Policy

The purpose of this policy is to set forth the procedures for student withdrawals from the University for health or safety reasons. This policy outlines the circumstances of such leaves as well as various procedures and conditions, including readmission criteria and processes, and implications for the student in terms of academic, financial, insurance, and University housing matters.

The Drahmman Advising and Learning Resources Center is responsible for administering all undergraduate withdrawals from the University, inclusive of withdrawals for physical or mental health reasons. In select situations, a student may be granted a Conditional Health and Well-Being Withdrawal. Conditional Health and Well-Being Withdrawals are administered by the Office of Student Life when there is a significant risk to the health and safety of the student or to others, or a student's behavior severely disrupts the campus environment.

Students who withdraw from the University are subject to applicable policies such as, though not limited to, the University Tuition Refund Policy, and financial aid terms and conditions.

International students should consult with the Global Engagement Office regarding the impact on their International Student Visa status.

*Graduate students, including students registered in the School of Law, who seek to withdraw for any reason should do so through the withdrawal process established within their school or program.*

## **I. Health and Well-Being Withdrawal**

For a variety of reasons, students may find it beneficial to withdraw to address a physical or mental health need requiring a level of care that exceeds what the University can appropriately provide. In such instances, a student should consider taking time away from the University and their studies to attend to their health and overall well-being.

Students withdrawing for physical or mental health reasons is the same process as that of withdrawing for any other personal reason (non-health related) and requires written notification by the student, or parent or guardian, on the behalf of the student if the student is unable to do so.

Health and Well-Being withdrawals are administered by the Drahmman Advising and Learning Resources Center and are not recorded on the student's transcript differently from any other student initiated withdrawal.

## **II. Conditional Health and Well-Being Withdrawal**

Students may be placed on Conditional Health and Well-Being Withdrawal when their ability to carry out substantial self-care obligations is significantly impaired, resulting in an inability to function in their academic environment. Such inability shall be evidenced by the following:

- current medical knowledge;
- the best available objective evidence;
- the student's immediate disruption to the integrity of the University's learning environment;
- or a combination of any of the foregoing factors.

This criteria indicates that the student poses a significant risk to their own health or safety, or to that of others. It shall not be based on speculation, stereotypes, or generalizations about individuals with disabilities.

In making an informed decision to allow a Conditional Health and Well-Being Withdrawal and allow a student to re-enroll, the Associate Dean for Student Life, or designee, will engage in an individualized assessment, based on reasonable judgment that relies on current medical knowledge and/or the best available objective evidence specifically related to the condition(s) giving rise to the health withdrawal, including information provided in a timely manner by the student.

Any member of the University community who has reason to believe that a student may meet any of the standards described above should consult with the Associate Dean for Student Life, or designee, before directing the student to inquire about a Conditional Health and Well-Being Withdrawal. This may be done by contacting the Office of Student Life (408-554-4583) or by filing a

Student of Concern Report ([scu.edu/osl/report](http://scu.edu/osl/report)). The Office of Student Life is the home for the CARE Teams: Student Welfare Team and the Behavioral Concerns Team. The CARE Teams work collaboratively supporting students who withdraw and re-enroll through this policy.

In the event a student is considered for a Conditional Health and Well-Being Withdrawal, the Associate Dean for Student Life, or designee, will provide the student with an opportunity to meet to discuss the reasons for the proposed Conditional Health and Well-Being Withdrawal and afford the student the opportunity to respond to the University's concerns. If deemed appropriate, the student will be directed to meet with a University mental health and/or medical provider (e.g., a physician, psychologist, or psychiatrist) in the Cowell Center within one business day for an individualized assessment. The Office of Student Life will obtain written permission from the student to have the medical and/or mental health provider(s) to discuss their findings with the Associate Dean for Student Life, or designee, who will appropriately share the data with the members of the Behavioral Concerns Team.

The purpose of the individualized assessment is to determine whether the student is, in fact, able, unable or unwilling to carry out substantial self-care obligations; poses a significant risk to the health or safety of others based on current medical knowledge and/or the best available objective evidence; or the student poses an actual risk to their own safety not based on mere speculation, stereotypes, or generalizations about individuals with disabilities, and whether there are reasonable accommodations that would permit the student to continue to remain enrolled without taking a health withdrawal.

Based on the individualized assessment and the recommendations made by the mental health and/or medical provider, the Associate Dean for Student Life, or designee, will determine if the student is permitted to remain enrolled, with or without reasonable accommodations, or should be placed on a Conditional Health and Well-Being Withdrawal based on the terms and conditions of the Conditional Health Withdrawal, which will be communicated to the student in writing. If the student does not agree to the recommendation of the Conditional Health and Well-Being Withdrawal, the University reserves the right to implement interim measures (See Involuntary Health and Well-Being Withdrawal).

The Associate Dean for Student Life, or designee, will seek the cooperation and involvement of parents, guardians, emergency contacts, or other appropriate individuals, consistent with the law, when deemed appropriate and feasible. The decision to notify a student's family members will be weighed carefully against the student's privacy rights. The student's parents or guardians may be contacted without the expressed consent of the student if it is perceived necessary to protect the welfare of the student or other individuals.

There are advantages to taking a Conditional Health and Well-Being Withdrawal. Those advantages are:

1. **Personal Benefits:** Students will have the opportunity to prioritize their personal welfare by taking time away from the University to seek the most comprehensive and appropriate medical and/or mental health treatment without the additional responsibilities associated with being a student.
2. **Academic Benefits:** Students may be eligible to be withdrawn from classes after the posted deadline.
3. **Financial Benefits:** Students may be eligible for a tuition refund for the quarter. NOTE: If the student purchased the University tuition insurance plan, the student may receive the difference between the tuition amount paid by the student (not inclusive of the financial aid used to pay for tuition) and the refund amount received via the insurance policy. If the student lives on campus, the student may be eligible for a room and board refund based upon the date the student officially checks out of the on-campus residence in accordance with Residence Life and Housing procedures. See “Tuition Refund” at the end of this policy for more details.

After notifying the Office of Student Life, a student who is offered and accepts a Conditional Health and Well-Being Withdrawal has up to one business day to decline the withdrawal and associated conditions for re-enrollment. In the event a student declines, the Office of Student Life may take other interim measures, such as, though not limited to an Involuntary Health and Well-Being Withdrawal or Interim Suspension.

### Involuntary Health and Well-Being Withdrawal

In limited circumstances, the University may deem it necessary to require a student to withdraw from the University when a student is unable or unwilling to carry out substantial self-care obligations, when current medical knowledge and/or the best available objective evidence indicates that a student poses a significant risk to the health or safety of others, or when a student poses an actual risk to their own safety and the student is not willing to take a Conditional Health and Well-Being Withdrawal. This action is meant to be invoked only in extraordinary circumstances, when a student is unable or unwilling to request a Conditional Health and Well-Being Withdrawal, and when such a withdrawal is necessary to protect the safety of that student and/

or others, or the integrity of the University's learning environment. Unless expressly permitted in writing by the Associate Dean for Student Life, or designee, students on Involuntary Health and Well-Being Withdrawal are not permitted to be present at the University, participate in class, or engage in any University-related activities, including on-campus employment.

Before placing a student on an Involuntary Health and Well-Being Withdrawal, an individualized assessment using a collaborative process will be conducted by the University to determine both the probability, nature, duration, and severity of the disruption, threat, or impairment as well as whether reasonable modifications of policies, practices, or procedures can mitigate the risks of allowing the student to remain enrolled. When this assessment indicates that a student poses a significant risk to the health or safety of others; or poses an actual risk to their own safety not based on mere speculation, stereotypes, or generalizations about individuals with disabilities; and/or the student does not want to take a leave voluntarily; the Associate Dean for Student Life, or designee, with appropriate consultation, has the authority to administer an Involuntary Health and Well-Being Withdrawal.

The Associate Dean of Student Life, or designee, will give significant weight to the opinion(s) of the student's treatment provider(s), including those identified by the student, regarding the student's ability to function academically and safely at the University with or without reasonable accommodations. If the Director of Health and Counseling or designee determines that the information provided by the off-campus treatment provider(s) is incomplete, requires further explanation or clarification, or is inconsistent with other information in the student's record, the Director of Health and Counseling or designee will contact the treatment provider(s) to obtain additional information. In certain circumstances, the University may require the student to undergo an additional evaluation by an independent and objective professional designated by the University, if the Director of Health and Counseling or designee and the Associate Dean of Student Life believes it will facilitate a more informed decision. Permission to contact the off-campus treatment provider is inherent in the process.

The Associate Dean for Student Life, or designee, will consider potential accommodations and/or modifications recommended by the Office of Accessible Education (OAE) or any other departments that could remove the need for an Involuntary Health and Well-Being Withdrawal, such as the option to take a voluntary leave of absence, academic accommodations, housing and dining accommodations, and modifications to University policies, rules, and regulations.

In the event that the student is incapable of responding on the student's own behalf due to the student's condition, or if the student is not responding to inquiries or directives of the University, the University reserves the right to withdraw the student without the voluntary consent of the student or the student's parent or guardian. The student will be sent a written notice of this action.

The written notice of decision to the student will set forth a time-frame for when the student must leave the University and when they may be eligible to return to the University and the conditions and/or requirements the student will need to satisfy to be eligible for return. The written notice will also inform students with disabilities of their right to reasonable accommodations in the return process and will provide contact information for the Office of Accessible Education. The length of the leave will be determined on an individual basis.

If an Involuntary Health and Well-Being Withdrawal is not imposed, the Associate Dean for Student Life, or designee, may impose conditions and/or requirements under which the student is allowed to remain at the University.

A student wishing to appeal a decision related to an Involuntary Health and Well-Being Withdrawal, may appeal in writing to the Vice Provost of Student Life and Dean of Students in accordance with the request for appeal procedures described below.

### Appeal Process

Within three business days of being provided written notice of the Involuntary Health and Well-Being Withdrawal, a student may submit an appeal of the decision in writing to the Vice Provost for Student Life & Dean of Students. The written request for appeal must specify the particular substantive and/or procedural basis for the appeal and must be made on grounds other than general dissatisfaction with the decision of the Associate Dean for Student Life. After reviewing the matter fully, the Vice Provost for Student Life & Dean of Students, or designee, will issue a written decision affirming, modifying, or reversing the decision to place the student on an Involuntary Health and Well-Being Withdrawal. The decision on the appeal will be communicated to the student within three business days of the day the appeal was submitted. During the duration of the appeal process, the student will be placed on Interim Suspension (see below). If the student does not submit an appeal within three business days, there is no further opportunity to appeal this final outcome. If an appeal is filed, the outcome of the appeal process shall be final, and no other appeals or grievance procedures are available.

## Interim Suspension

If, for reasons pertaining to a health condition, a student's behavior poses a significant risk to the health or safety of others; or where a student poses an actual risk to their own safety not based on mere speculation, stereotypes, or generalizations about individuals with disabilities, or an immediate disruption to the integrity of the University's learning environment, the Associate Dean for Student Life, or designee, may suspend the student from the University or restrict the student's access to the university campus, university housing, services, and activities, as appropriate, for an interim period before a final determination of the matter. If the student is placed on Interim Suspension at the discretion of the Associate Dean for Student Life, or designee, the student will not be permitted to attend classes, participate in class in any way, or be on University-owned or -controlled property.

Conditional Health and Well-Being Withdrawals are not recorded on the student's transcript differently from any other student initiated withdrawal.

## III. Re-Enrollment Procedures

When the student is ready to be considered for re-enrollment, the student should contact the Associate Dean for Student Life, or designee, according to the written conditions for re-enrollment and provide appropriate documentation. Documentation must be provided by an appropriate professional: a licensed mental health provider if evaluating mental health concerns or a licensed medical provider if the evaluation is regarding medical concerns. Providers cannot be related to the student and must have specialty/credentials appropriate for the condition(s) of concern. This off-campus provider will be asked to provide a written evaluation of the student's current status, the nature of the treatment, and recommendations regarding: a) the student's readiness to return to the academic and co-curricular demands of university life; b) the student's readiness to live in an on-campus residential community, if relevant; c) recommendations for ongoing treatment, academic accommodations and/or testing needs; and d) any conditions or restrictions that the University should impose.

The Associate Dean of Student Life, or designee, will consult with the Director of Health and Counseling, or designee, at the Cowell Center and any other appropriate University departments (e.g. Office of Accessible Education). The Associate Dean for Student Life, or designee, will give significant weight to the opinion of the student's treatment provider(s), including those identified by the student, regarding the student's ability to function academically and safely at the University with or without reasonable accommodations. If the Director of Health and Counseling, or designee, at the Cowell Center determines that the information provided by the off-campus treatment

provider(s) is incomplete, requires further explanation or clarification, or is inconsistent with other information in the student's record, the Director of Health and Counseling, or designee, at the Cowell Center will contact the treatment provider(s) to obtain additional information. Permission to contact the off-campus treatment provider is inherent in the process.

In certain circumstances, the University may require the student to undergo an additional evaluation by an independent and objective professional designated by the University, if the Director of Health and Counseling, or designee, at the Cowell Center and the Associate Dean for Student Life believe it will facilitate a more informed decision.

Once approved for re-enrollment by the Associate Dean for Student Life, or designee, a student may re-enroll without further permission, if the student is in good academic standing, does not have any outstanding financial obligations with the University, is returning to the same college or school, and is returning within five years of the date of the withdrawal. Students who do not meet these conditions must seek permission to re-enroll from the Dean of Academic Support Services, or designee, in the Drahmman Advising and Learning Resources Center.

#### **IV. Tuition Refund**

Students who are placed on Conditional Health and Well-Being Withdrawal are eligible to receive only one tuition refund under this policy during their academic tenure at the University. Any student who receives a tuition refund under this policy must meet re-enrollment conditions before the student will be permitted to return to the University.

#### **Marijuana Policy**

On November 8, 2016, voters in California passed Proposition 64, thereby allowing persons who are 21 and older to possess, transport, and buy up to 28.5 grams of marijuana and use it for recreational purposes. The Bureau of Marijuana Control is the state agency responsible for regulating and licensing marijuana sales.

It continues to be illegal to smoke marijuana in public and at locations where tobacco use is outlawed, such as restaurants, and within 1000 feet of a school, daycare or youth center when children are present. It is also illegal for motorists to smoke marijuana while driving.

**Despite the change in state law regarding marijuana, Santa Clara University's policy remains unchanged: use and possession of marijuana on campus or in association with any university-sponsored or affiliated activity or program is prohibited.** The policy complies with the federal Drug-Free Schools and Communities Act. Under this federal law, as a condition of receiving federal funds, an institution of higher education such as Santa Clara University must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on campus and as part of its activities and programs. At the federal level, this law includes any amount of marijuana.

California Proposition 215, passed in 1996, allows for the use of marijuana for medical purposes. Students who qualify under Proposition 215 to use marijuana for medical purposes are not permitted to possess, store, provide, or use the marijuana on university-owned or controlled property (including, but not limited to, residence halls, academic buildings, athletic facilities, and parking lots), or during a university sanctioned activity, regardless of the location.

Propositions 215 and 64 create a conflict between state and federal laws. When state and federal laws are in conflict, federal law takes precedence. If Santa Clara University does not comply with federal law and regulations on marijuana possession and use on campus and in university programs and activities, it risks losing federal funds for student financial aid, faculty research and other important programs and services. Thus, the Santa Clara University must continue to abide by federal laws and regulations and university policy barring the use and possession of any amount of marijuana on campus or in association with any university-sponsored or affiliated activity or program.

Students who fail to follow this policy are in violation of the Student Conduct Code and are subject to disciplinary action.

## **Missing Person Notification Policy**

In compliance with the Higher Education Opportunity Act, this policy addresses the manner in which the University will proceed in the event that a resident student (i.e., a student who lives in University housing) is believed to be missing.

Any concern that a resident student is missing should be immediately directed to Campus Safety Services at 408-554-4441. A resident student is considered to be missing if the person's whereabouts have not been established for a period of 24 hours, or if there is information within the 24-hour period that suggests the person is missing. In such circumstances, staff, faculty, and

students are required to immediately notify Campus Safety Services. Campus Safety Services will implement the Emergency On-Call Protocol for the Office of Student Life and Office of Residence Life and will notify the appropriate law enforcement agency upon receipt of information establishing that a resident student is missing. Such notification shall be made in a timely fashion and within 24 hours of the receipt of this information.

In support of this policy, resident students are encouraged to provide the University with the name and contact information of someone to be notified in the event that the resident student is determined by Campus Safety Services or the local law enforcement agency to be missing. Resident students can confidentially provide this contact information via their eCampus account. If a resident student is determined to be missing and is under 18 years of age and not emancipated, the University is required by law to notify a custodial parent or guardian, and any other contact person designated by the student within 24 hours of when the resident student is determined to be missing

## **Statement of Nondiscrimination**

Santa Clara University's fundamental principles of academic excellence through diversity and inclusion are central to our Jesuit, Catholic values. These principles and values require us to provide a workplace and educational environment free from discrimination, harassment, and sexual misconduct. In its admission, educational and employment practices, programs, and activities, the University does not discriminate and prohibits discrimination against any individual based on race, ethnicity, nationality, religion, age, gender, gender expression, gender identity, sexual orientation, marital status, registered domestic partner status, veteran or military status, physical or mental disability (including perceived disability), medical condition (including cancer related or genetic characteristics), pregnancy (including childbirth, breastfeeding, and related medical conditions), or any other basis prohibited under applicable federal, state, or local laws.

The Director for the Office of Equal Opportunity and Title IX serves as the University's Title IX Coordinator, ADA/504 Coordinator, and Affirmative Action Officer. The Director coordinates and oversees the prompt response, impartial and thorough investigation, and equitable and timely resolution to all instances of discrimination and harassment, sexual harassment, and other forms of sexual misconduct involving students, faculty, and staff. The Director also tracks incidents and trends involving sexual misconduct and serves as the principal contact for government and external inquiries regarding civil rights compliance and Title IX.

For more details regarding policies and procedures related to equal opportunity and nondiscrimination, please review the information included within this handbook under “Nondiscrimination, Harassment, and Sexual Misconduct Policy”, as well as the Office of Equal Opportunity and Title IX website (<https://www.scu.edu/title-ix>). Inquiries regarding the University’s equal opportunity and nondiscrimination policies should contact:

Inquiries:

Belinda Guthrie, Director of Equal Opportunity and Title IX  
Santa Clara University | Office of Equal Opportunity and Title IX  
500 El Camino Real, Santa Clara, CA 95053

Office: Loyola Hall, Suite 140, 425 El Camino Real, Santa Clara, CA 95053

Main Office: 408-551-3043 Direct Line: 408-554-4113

Email: [bguthrie@scu.edu](mailto:bguthrie@scu.edu)

Web: [www.scu.edu/title-ix](https://www.scu.edu/title-ix)

Claims of discrimination or other inquiries concerning the application of Title IX of the Education Amendments of 1972 and its implementing regulations may also be directed externally to the Office of the Assistant Secretary of Education within the Office for Civil Rights (OCR) (<https://www.hhs.gov/ocr/index.html>). Inquiries regarding civil rights compliance and employment discrimination may also be made externally to the Equal Employment Opportunity Commission (EEOC) (<https://www.eeoc.gov>) and/or the California Department of Fair Employment and Housing (DFEH) (<https://www.dfeh.ca.gov>).

## Posting Printed Material and Chalking

The University policy on posting printed material (defined as both printed and digital) and chalking applies to all printed and digital materials on mini A-frames, banners, and monitors in Benson Memorial Center; bulletin boards and monitors in the residence halls; monitors located in campus buildings; and chalking on campus grounds. University entities may place materials on bulletin boards inside academic or administrative buildings subject to the approval of the office with administrative jurisdiction over the area, in regards to information concerning programs, services, or activities sponsored by Santa Clara University or one of its groups. Non-University entities and individuals may post written material concerning their events, goods, and services in designated areas within the Benson Memorial Center. Non-University entities and any individual may not have access to campus digital distribution and posting nor chalking. All posting, printed and digital, and chalking on

campus, whether by a University-affiliated group, a non-University entity, or an individual, must comply with University regulations and any applicable municipal, state, and federal laws.

### Approval

Printed material for posting in Benson Memorial Center must be approved at the center's Information Desk. Posting for all events where alcohol will be served must also be approved by the facility manager for the event (see "Alcoholic Beverage Policy"). The appropriate staff will do all posting. Digital materials are to be submitted through the appointed University person or department for approval and posting.

### Content

All printed material and chalk messages posted by University organizations must contain the name of the sponsoring organization and the words "SCU" or "Santa Clara University" in the description of the event. Printed material posted by non-affiliates or individuals must contain the name as well as telephone number or email address of a contact person. Printed material posted on campus and chalk messages may not be libelous, slanderous, obscene, or incite violence, or be in violation of Sections 5 or 10 of the Student Conduct Code (see pages 12–13).

Printed material publicizing an event covered by the Speakers Policy must contain the following statement: "The presence of a guest speaker on the campus of Santa Clara University does not necessarily imply approval or endorsement by the University of the views expressed by the guest speaker or by anyone else present at the event."

Printed material publicizing all events on campus must contain the following statement: "In compliance with the ADA/504 please direct your accommodation requests to [name of the sponsor/organizer/coordinator responsible for the event] at [phone number or email address of the sponsor/organizer/coordinator of the event]."

### Size

Printed material placed on the bulletin boards in the Benson Memorial Center may be no larger than 12 inches by 24 inches. Printed material on mini A-frames may be no larger than 30 inches by 36 inches. Balcony banners in Benson Memorial Center may not be larger than 6 feet long by 3 feet wide. Digital materials must fit the size of the display screen.

## Location

Material and chalk messages may be placed only in approved areas of campus. Printed materials may not be placed over other posters or fliers, and no more than one poster/flier per event per bulletin board is allowed. Posting on light poles, trees, floors, ceilings, elevators, planter boxes, and on exterior walls and other building surfaces, is prohibited and such items will be removed; the responsible group or individual may be subject to a removal and/or cleanup charge.

Printed material may be placed on the bulletin boards in the Benson Memorial Center subject to the limitations (e.g., rental housing, buying and selling of goods and services, carpooling and riding arrangements) for specific bulletin boards and kiosks.

Printed material pertaining to University-sponsored events may be placed on mini A-frames by registered student organizations (RSOs), chartered student organizations (CSOs), academic departments, administrative offices, and faculty and staff groups. Mini A-frames may be placed on the paved sidewalk areas in and around the residence halls, on the east plaza of Benson Memorial Center, on the paved sidewalk areas immediately adjacent to Benson Memorial Center, and on the paved sidewalk areas immediately adjacent to the Locatelli Student Activity Center.

Banners pertaining to University-sponsored events may be placed on the designated balcony spaces of Benson Memorial Center by officially registered student organizations and University departments.

Chalk messages pertaining to University-sponsored events may be placed in the designated areas by registered student organizations (RSOs), chartered student organizations (CSOs), University offices, academic departments, administrative offices, and faculty and staff groups. Chalk messages, using water-soluble chalk, may be placed on paved sidewalk areas in and around residence halls, on the east plaza of Benson Memorial Center, on the west porch of Benson Memorial Center, on paved sidewalk areas immediately adjacent to the Benson Memorial Center and on the paved sidewalk areas immediately adjacent to the Locatelli Student Activity Center. Chalk messages on sidewalks in other campus locations, on outdoor stairs and ramps, on planter boxes, on fountains, on walls, on the brick walkways adjacent to the learning commons and on other ground and building surfaces are prohibited.

## Time

Printed material on the bulletin boards, display cases, and banners in Benson Memorial Center may be posted for a maximum of two weeks. Printed materials on mini A-frames and chalk messages may be posted a maximum of one week. All printed material, banners, and chalk messages must be removed within 24 hours following the event by the group responsible for the event. Failure to remove such materials within that time frame may subject the responsible group or individual to a removal and/or cleanup charge.

## Violations

Violation of any of the provisions of this policy will result in the removal of the printed material or chalk message. In addition, the responsible group or individual may be subject to appropriate University sanctions and/or legal action by the University.

For information about posting within University residential facilities, see page 95.

## Pregnancy Resources

Santa Clara University is committed to maintaining an equitable learning environment and supporting the academic success of pregnant and parenting students. The University prohibits discrimination based on parental status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery from related conditions in all of its educational programs and activities pursuant to Title IX of the Education Amendments of 1972. Students may request an accommodation for pregnancy-related conditions or parenting responsibilities by contacting the Office of Equal Opportunity and Title IX.

Belinda Guthrie, Director of Equal Opportunity and Title IX

Santa Clara University | Office of Equal Opportunity and Title IX

500 El Camino Real | Santa Clara, CA 95053

Office Location: Loyola Hall, Suite 140, 425 El Camino Real, Santa Clara, CA 95053

Main Office: 408-551-3043 | Direct Line: 408-554-4113

Email: [bguthrie@scu.edu](mailto:bguthrie@scu.edu)

Web: [www.scu.edu/title-ix](http://www.scu.edu/title-ix)

While attending Santa Clara University, a student may be pregnant, desire assistance for another student who is pregnant, or just need someone to talk with about pregnancy related issues and/or options. In keeping with its mission as a Jesuit and Catholic university, Santa Clara University is

committed to offering students resources that support the choice of life. For these reasons, the University makes every effort to provide any student who should become pregnant with a supportive environment that assures a caring and non judgmental attitude of support and professional assistance.

A student who becomes pregnant while attending Santa Clara University may elect to stay at the University during her pregnancy if she wishes. The University community will do its best to accommodate the student's needs and concerns regarding classes, housing, and personal counseling during and after the pregnancy.

The focus of the University is to provide a comprehensive team that emphasizes support and personal respect. If you are pregnant, or if you know someone who is pregnant, the following support services are resources that are available at SCU and within the local community. Please feel free to contact any of the individuals or offices listed. All consultations will be handled confidentially.

### **Health Services**

Cowell Center–Student Health Services (SHS)  
Dr. Jillandra C. Rovaris, Director  
TBD, Campus Physician  
408-554-4501

### **Health Educator**

Kelly Schumacher, Director  
Wellness Center  
408-554-4409

### **Counseling Services**

Cowell Center–Counseling and Psychological Services (CAPS)  
Dr. Jillandra C. Rovaris, Director  
Dr. Kathy Lee-Anderson, Assistant Director  
408-554-4501

### **Campus Ministry**

Alison Bender, Interim Campus Ministry  
408-554-4372

### **Office of Accessible Education**

TBD, Director  
408-554-4109

## **Residence Life**

Ngoc Nguyen-Mains, Interim Director of Residence Life  
408-554-4900

Off-Campus Resources

## **Real Options**

408-978-9310

<https://www.realoptions.net/>

## **National Nurturing Network**

1-800-TNN-4MOM

[www.nurturingnetwork.org](http://www.nurturingnetwork.org)

## **Title IX of the Education Amendments of 1972**

As a recipient of federal financial assistance for education activities, Santa Clara University is required by Title IX of the Education Amendments of 1972 to ensure that all of its admissions practices (except as permitted by law), education programs and activities do not discriminate on the basis of sex or gender. Sex includes sex, sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or parenting status. In accordance with Title IX, federal, and state law, the University will provide reasonable accommodations based on the needs of pregnancy, childbirth, or related medical conditions. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by University policy. The University also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internal or external to the institution.

To review the University's complete policy, as well as more detailed information regarding Title IX-related procedures, please see the Office of Equal Opportunity and Title IX website (<https://www.scu.edu/title-ix>).

## **Nondiscrimination, Harassment, and Sexual Misconduct Policy**

Santa Clara University is committed to providing an environment free of gender-based discrimination, including sexual harassment, sexual misconduct, sexual violence and assault, relationship (dating and domestic) violence, and stalking. The University provides resources and reporting options to students, faculty, and staff to address concerns related to gender-based discrimination

and sexual misconduct prohibited by Title IX and University policy, and, through training and education, works to prevent its occurrence. The University seeks to provide a consistent, caring, and timely response when sexual and gender-based misconduct occurs within the University community. When the University becomes aware of allegations of sexual misconduct, it will take prompt and effective action. This action may include an initial assessment of safety and well-being, implementing interim remedies at no cost to the complainant for protection and support, discussing how the complainant wishes to proceed, initiating an investigation, and identifying appropriate avenues for resolution. The University's response will be overseen by the Director of Equal Opportunity and Title IX.

The University's Nondiscrimination, Harassment, and Sexual Misconduct Policy applies to all students, faculty, and staff, and includes any individual regularly or temporarily employed, studying, living, visiting, or serving in an official capacity at Santa Clara University (including volunteers and contractors). The policy applies to both on-campus and off-campus conduct and to online actions that have a potential or actual adverse impact on any member of the University community, or which substantially interferes with a person's ability to participate in University activities, or which could affect a substantial University interest or its educational mission. For more information about reporting, response, and adjudication, please see the University's Nondiscrimination, Harassment, and Sexual Misconduct Policy or contact the Director of Equal Opportunity and Title IX, [www.scu.edu/title-ix](http://www.scu.edu/title-ix)

### Policy Statement of What Constitutes Consent

Consent is conscious, knowing, voluntary and clear permission by word or action to engage in sexual activity.

Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

- If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
- For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses Person A, Person B can kiss them back (if they want to) without the need to explicitly obtain their consent to being kissed back.

- Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.
- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.
- Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the Recipient’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to the policy that assumes non-kink relationships as a default.
- Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its Policy has been violated. The existence of consent is based on the totality of the facts and circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

In determining whether consent was present, in the following scenarios, the Respondent’s belief is not a valid excuse for a lack of consent where:

- Respondent’s belief arose from the Respondent’s own intoxication, being under the influence of drugs, alcohol, or medication, and/or recklessness; or
- Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
- Respondent knew, or a reasonable person should have known, that the Complainant was unable to consent because the Complainant could not understand the fact, nature, or extent of the sexual activity because they were asleep or unconscious; incapacitated due to the influence of drugs, alcohol, or medication; or unable to communicate due to a mental or physical condition. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

## **Incapacitation**

- A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including by alcohol or other drugs.
- As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.
- Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
- Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.
- This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

As stated above, the question of whether the Respondent “knew or should have known” is determined using an objective, reasonable person standard, which assumes that a reasonable person is both sober and exercising sound judgment.

## **Force**

- Force is defined as the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).
- Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

## Coercion

- Coercion is defined as unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

In evaluating whether coercion was used, the University will consider, based on the totality of the circumstances, frequency, intensity, isolation, and/or duration of the pressure or coercive action.

## Reporting Options

Deciding how to proceed after making the report can be a process that unfolds over time, and it is ordinarily up to the party to decide whether to file a formal complaint. In very rare circumstances, where a community safety concern has arisen, the Director may need to take steps to initiate a formal complaint. The University recognizes that choosing to make a report for the sole purpose of seeking guidance and information and to ask for supportive measures is different from notifying the University with the intent to initiate a University investigation and resolution process. Additionally, no formal complaint or investigation, either campus or criminal, needs to occur for supportive measures to be offered and provided.

There are confidential and non-confidential reporting options available. Confidential means that what a reporting party shares will not be communicated with anyone else unless except in extreme cases of immediacy of threat or abuse of a minor

## Confidential Reporting Options.

Confidential Resources include on and off campus mental counselors, health service providers, local rape crisis counselors, domestic violence resources, and members of the clergy and chaplains. Confidential on-campus resources include:

- Counseling and Psychological Services (CAPS), Cowell Center, 408-554-4501;

- Wellness Center, 862 Market Street, 408-554-4409;
  - The confidential advocate is located in the SCU Wellness Center and offers free, confidential support to students who have been impacted by sexual assault, relationship violence, and stalking. The advocate aims to provide a safer, compassionate, and non-judgmental space for students to explore their options, rights, and resources. To speak with an advocate, please contact Bree Van Ness at **[bvanness@scu.edu](mailto:bvanness@scu.edu)**.
- Members of the clergy or chaplains (who are acting in such a capacity as conducting a confession etc.).

For more information regarding confidential resources, please see **<https://www.scu.edu/title-ix/resources/student/>**.

## Non-Confidential Reporting Options

### Reporting to Law Enforcement

In an emergency or if someone is in immediate danger, call 911. The University encourages an individual who has been the victim of a sexual assault, relationship violence, stalking, hate crime, or other potential criminal conduct to report the incident to the police. The report should be made to the police department in the jurisdiction where the crime occurred. Campus Safety Services and/or the Office of Equal Opportunity and Title IX will assist reporting parties, at the person's request, in contacting local law enforcement and will cooperate with law enforcement if a party decides to pursue the criminal process. For more information, see **[www.scu.edu/title-ix/reporting/law-enforcement/](https://www.scu.edu/title-ix/reporting/law-enforcement/)**.

### Reporting to the University

Individuals may contact the Office of Equal Opportunity and Title IX to discuss issues relating to discrimination, harassment, sexual harassment, sexual misconduct, and retaliation without filing a formal complaint or grievance. A report may be accompanied by a request for resources, no further action, a request for supportive measures, and a request to initiate a formal complaint process. A report may be made at any time, including during non-business hours, by using any of the reporting options listed below.

Report directly to the Office of Equal Opportunity and Title IX

- Online Form: Request for Support and Assistance
- By email: **[bguthrie@scu.edu](mailto:bguthrie@scu.edu)**
- By Telephone: 408-554-4113

- In-Person: Loyola Hall, Suite 140, 425 El Camino Real, Santa Clara, CA 95050
- By Mail: Office of Equal Opportunity and Title IX, 500 El Camino Real, Santa Clara, CA 95050

### **Report Anonymously**

Reporting “anonymously” means that the reporting party reports to the University without identifying themselves, and want someone in the University to be aware of the experience, but do not want to be involved in an administrative investigation. The University selected EthicsPoint to provide a direct and straightforward way to anonymously and confidentially report activities that may involve criminal, unethical or otherwise inappropriate behavior in violation of the University’s policies.

#### *Anonymous Reporting Form: EthicsPoint Anonymous Reporting form*

EthicsPoint reports are initially shared with the Assistant General Counsel. An anonymous report of alleged discrimination, harassment, sexual misconduct, and retaliation is forwarded to the Director of Equal Opportunity and Title IX, ordinarily within 24 hours. The University may be limited in its ability to investigate or respond to anonymous reports if it does not have sufficient information from which to follow up on such a report.

#### *Other campus reporting options:*

Students may report incidents and seek support from other University officials, including:

- The Office of Student Life
- The Office of Residence Life (including Community Facilitators, Resident Directors, Assistant Resident Directors, Neighborhood Representatives, and Assistant Area Coordinators)
- Spirituality Facilitators
- The Office of Housing
- Athletics and Recreation
- The Center for Student Involvement
- The Drahmman Center
- Office of Accessible Education (formerly Disability Resources)
- The Career Center
- Campus Ministry

These University resources are required to report incidents to the Director of Equal Opportunity and Title IX, who will oversee the investigation and resolution process. At the time a report is made, a complainant does not have to decide whether or not to request or participate in an investigation or University resolution process.

### Preservation of Evidence in an Assault

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining orders, and particularly time-sensitive. The University will inform the Complainant of the importance of:

- Seeking medical care and forensic medical assistance at the hospital, ideally within 24–72 hours of the incident (sooner is better).
- Preserving evidence in a paper bag.
- Individuals considering a forensic exam should go directly to a medical facility in their county.
- Avoiding showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do.
- Trying not to urinate.
- If oral sexual contact took place, refraining from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, placing soiled clothes in a paper bag (plastic destroys evidence).

### Support and Assistance

Supportive measures are offered and provided promptly and equitably to either or both the reporting party (or “Complainant” and the responding party (or “Respondent”) upon receipt of any report or Formal Complaint. Supportive measures are intended to address any immediate concerns for health and safety and facilitate an individual’s continued access to their educational program and employment, as appropriate. Reporting parties who come forward will not be forced to participate in an investigation or participate in an informal or formal process that they do not wish to pursue. Supportive measures are non-disciplinary, non-punitive and individualized, as appropriate, as reasonably available, and without fee or charge to the reporting party/Complainant or Respondent. Supportive measures may be requested, modified, or discontinued at any time. These actions may include, but are not limited to:

- Referral to confidential counseling, mediation, and other health services and assistance in setting up the initial appointment (on- and off-campus).
- Referral to advocacy and support services (on- and off-campus).

- Referral to the Employee Assistance Program.
- Visa and immigration assistance.
- Student financial aid counseling.
- Education to the University community or community subgroup(s).
- Making changes to campus housing.
- Altering work arrangements for employees or student-employees.
- Safety planning, such as increased security and monitoring of certain areas of the campus.
- Providing campus escorts.
- Implementing contact limitations (No Contact Directives) or “Be-On-the-Lookout” (BOLO) orders for non-affiliates/banned individuals of the University.
- Providing transportation accommodations.
- Implementing contact limitations (no contact orders) between the parties.
- Academic support (e.g., requesting extensions of time, make-up work, or other course-related adjustments; allowing a student to withdraw or take grades of incomplete without financial penalty, in consultation with the instructor and/department chair and dean’s office).
- Timely Warnings (Clery) to address concerns about broader campus safety.

For more information on supportive and protective measures available to students, please see [www.scu.edu/titleix/resources/supportive-measures/](http://www.scu.edu/titleix/resources/supportive-measures/).

Both Complainants and Respondents may select any person to be an Advisor of their choice. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community. Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, before the hearing.

In addition, Parties may also seek guidance from other individuals (support person/advocate) who are not designated as their Advisor for emotional support. A support person or advocate, however, who is not identified as the party’s “Advisor” may not attend or participate in the University’s investigation and resolution process.

For more information about Advisors and Support People, please see <https://www.scu.edu/media/offices/eo/Advisor-Role-Responsibilities.pdf>

## **Sexually Transmitted Infections**

Santa Clara University, a Catholic, Jesuit university, is aware that sexually transmitted infections are a potential health problem for the entire population. Santa Clara University and the Cowell Center–Student Health Services provide educational opportunities about the transmission and prevention of sexually transmitted infections. These educational opportunities are provided with consideration of confidentiality, sensitivity, and compassion. Educational programs address medical information, issues of prevention, and the social, psychological, spiritual, and legal ramifications related to sexually transmitted infections.

Student Health Services provides confidential appointments with a campus physician, a physician assistant, nurse practitioner, licensed vocational nurse, and registered nurses regarding sexual health issues. These appointments may include evaluation, testing, and treatment of sexually transmitted infections.

## **Smoke-Free and Tobacco-Free Policy**

Santa Clara University has adopted a smoke-free and tobacco-free policy on the University campuses in Santa Clara and Berkeley. All University faculty, staff, students, and visitors are covered by this policy.

The term “smoking” means inhaling, exhaling, burning, or carrying of any lighted or heated tobacco product, as well as smoking substances other than tobacco, or operating electronic smoking devices and other smoking instruments. “Tobacco product” means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, hookahs, electronic smoking devices, and all forms of smokeless tobacco. “Tobacco-related” means the use of a tobacco brand or corporate name, trademark, logo, symbol, motto, or advertising message that is identifiable with the ones used for any tobacco product brand or company which manufactures tobacco products.

We encourage all students to take responsibility and inform all visitors of this policy. Any community member may request a smoker to move off campus and those that do not comply can be reported to Campus Safety. Any questions regarding this policy (including exceptions) can be answered by Campus Safety Services or the Office of Student Life.

## Solicitation Policy

In order to protect students' right to privacy, and to maintain and promote efficient operations, the University has established rules applicable to all students, faculty, and staff that govern solicitation, distribution of written material, and entry into premises and work areas. (Staff members are also directed to Staff Policy 308: Solicitation and Distribution.)

Solicitation that is prohibited includes, but is not limited to, selling products or services, door-to-door collections or campaigning, flier delivery or posting of materials in facilities owned, operated, or controlled by SCU, including kiosks, light poles, and in parking lots. Solicitors or tradespeople, including those who may be Santa Clara University students, faculty, or staff, are prohibited from entering University housing facilities for the purpose of transacting business and should be reported immediately to the Event Planning Office, Campus Safety, and/or the building staff.

## Speakers Policy

The purpose of this policy is to assure the right of free expression and exchange of ideas, to minimize conflict between the exercise of that right and the rights of others in the effective use of University facilities, and to minimize possible interference with the University's responsibilities as an educational institution.

The time, place, and manner of exercising speech on campus are subject to regulations adopted by the University administration. Orderly conduct, noninterference with University functions or activities, and identification of sponsoring groups or individuals are required. Outdoor sound amplification will be permitted only with explicit approval of the Vice Provost for Student Life or designee. (Refer to "Amplification of Sound.")

Members of the faculty, academic departments, staff, administrative offices, or chartered student organizations registered by authorized student government bodies may invite non-University speakers to address meetings on campus. Student groups that have not been registered by authorized student government bodies may not invite non-University speakers to address meetings on campus. If there would likely be extensive public notice or controversy associated with the presence of any speaker on campus, prior notice should be given to the head of the University Marketing and Communications, in the case of likely inquiries from external constituencies of the University or media; and to the Director of Campus Safety Services, in the case of possible protest or disruption. Except for unusual circumstances, the notice should be at least one week before the meeting or event is to occur.

*The presence of a guest speaker on the campus of Santa Clara University does not necessarily imply approval or endorsement by the University of the views expressed by the guest speaker, or by anyone else present at the event.*

The person or organization sponsoring a speaker around whom there would likely be extensive public notice or controversy is responsible for including the above statement in its advertisement, announcements, and news releases. If deemed appropriate, the University administration may also require the above statement be read at the beginning of the event.

Whenever the University administration considers it appropriate in furtherance of educational objectives, it may require either or both of the following:

- That the meeting be facilitated by a person approved by the University administration
- Any invitation to a non-University speaker extended by a chartered student organization, member of the faculty, staff, academic department, or administrative department may be rescinded only if the President, or his authorized designee, determines, after appropriate inquiry, that the proposed speech will constitute a clear and present danger to the orderly operation or peaceful conduct of campus activities by the speaker's advocacy of such actions as:
  - Willful damage or destruction, or seizure of University buildings or other property
  - Disruption or impairment of, or interference with, classes or other University activities
  - Physical harm, coercion, intimidation, or other invasion of the rights of University students, faculty, staff, or guests
  - Violation of law
  - Other disorder of a violent or seriously disruptive nature

### Student Events, Activities, and Organizations

The Catholic, Jesuit character of the University is defined by both spiritual and moral values that arise from Scripture, are rooted in the teachings of the Church and the Society of Jesus, and are consistent with human wisdom. These values, which center on the themes of creation, covenant, and community, include the equality and inalienable dignity of all persons; the recognition that human life is life in community, and that human beings develop, not in isolation, but in interactions with others, interactions characterized by respect for self and others, justice, love, compassion, and truthfulness; an individual and societal commitment to ensure that at least minimum conditions of human dignity are met for all; the acknowledgment

that those members of society with the greatest need require the greatest response; and the understanding that all persons have a right and a corresponding responsibility to be active and productive participants in the life of the community.

As a Catholic, Jesuit institution, the University has both the opportunity and responsibility to teach and to advance the religious and theological tenets upon which it is founded. Just as the very nature of religious belief requires free, uncoerced assent, so, too, the nature of “University” requires a respect for evidence, for investigation, for discovery, and for reason.

We are best served by an educational experience enriched by exposure to differing, and, indeed, to antithetical, opinion. Debating of “uncomfortable” ideas or points of view ought not to be shunned just because it is uncomfortable, for it may stimulate us to think and to think seriously. Thoughtful dialogue in search of truth leads to critical thinking, informed learning, and an honest exchange of facts, beliefs, and points of view. The belief system allowed to go untested is likely to be found weakest in the face of argumentative challenge.

The University has previously recognized this view of education in its mission and goals statement (see the following excerpt).

The University is dedicated to:

1. The continuing development of a community of highly qualified scholars, teachers, students, and administrators committed to an uncompromising standard of academic excellence; providing an education that, in its emphasis on undergraduate education and in its pursuit of selected high-quality graduate and professional programs consonant with such an education, stresses the development of both moral and intellectual values, an education of the whole person, an education constantly seeking to answer not only “what is” but “what should be.”
2. The continuing development of an academic community informed by Catholic principles, a community offering its members the opportunity of worship and for deepening their religious commitment, yet a community enriched by men and women of diverse social, racial, ideological, and religious backgrounds, a community opposed to narrow indoctrination or proselytizing of any sort, a community wherein freedom of inquiry and freedom of expression enjoy the highest priorities.
3. The continuing development of an academic community in which students, teachers, and staff dedicated to the ideals of academic freedom and united in pursuit of truth are actively involved in formulating and in implementing University policies. Because as a university we remain

irrevocably committed to intellectual discourse, we acknowledge, affirm, and defend the right of every member of the campus community to freedom of expression, freedom of association, and freedom of exercise of faith in accordance with the University's stated mission and goals. (A full list of University policies is included in the table of contents of the Student Handbook.)

## Expressive Activity Regulations on the Campus of Santa Clara University

### **Introduction**

Santa Clara University is operated as a privately owned institution of higher education. It has not been dedicated to public uses. The University's sole purpose is, and shall remain that of an institution of higher learning providing an education to its students, which includes encouraging the free exchange of ideas for the purpose of developing knowledge and pursuing truth. The University recognizes and supports the rights of free expression. In view of the University's responsibility to promote free expression, the campus is open, but only to University affiliates (Santa Clara University students, faculty, staff, organizations, departments, and offices), for the purpose of freedom of speech and related expressive activity, subject to the time, place, and manner regulations indicated below. The right of free expression includes, but is not limited to, the right to peaceful dissent, protests in peaceable assembly, and orderly demonstrations such as marches, picketing, protests, vigils, and rallies, and displays.

### **Purpose and Regulations**

The purpose of these time, place, and manner regulations is to guarantee the right of free expression; ensure the safety of students, faculty, and staff; advance the academic mission of the University; and protect the property rights of the University. No person or organization shall engage in expressive activity, conduct, or behavior that disrupts the normal or essential operations of the University, including, but not limited to, classes, residence hall quiet hours, University business, liturgical celebrations, or other scheduled University functions. Nor shall persons or organizations engaged in an expressive activity engage in any conduct or behavior that potentially poses a threat to the safety, welfare, and/or property of the University, its students, faculty, or staff. The Vice Provost for Student Life, in consultation with the Director of Campus Safety Services and the Director of University Event Planning, will determine whether the activity, conduct, or behavior poses an imminent threat and/or disrupts the normal or essential operations of the University. If such a determination is made, the event may be cancelled, postponed, moved, or terminated.

## **Notification**

The Vice Provost for Student Life is responsible for reviewing requests for expressive activity to ensure compliance with time, place, and manner regulations. University affiliates wishing to use the University for purposes of engaging in expressive activity must complete an Expressive Activity Management Form (available from the University Event Planning Office and Center for Student Involvement) at least three business days in advance of the planned activity. The Expressive Activity Management Form must include information about the sponsoring and co-sponsoring organizations, including any proposed participation by non-affiliates. Notification is not required for normal, regularly scheduled, or otherwise routine or essential University activities such as classes, liturgical celebrations, etc.

## **Reservations**

The purpose of a reservation is to assist with communication between those planning the activity and the University Event Planning Office, and/or Center for Student Involvement, and to ensure that adequate services are available for the event. A reservation will secure the appropriate venue for an expressive activity. When reservations are made for an expressive activity event, the following information may be collected: the name, address, telephone number, and signature of the event organizer(s); sponsoring organization(s); the intended topic; the name(s) of the invited speaker(s); and the nature, location, and anticipated attendance at the event.

The University Event Planning Office and/or Center for Student Involvement can identify venues that are most appropriate for the event. In order to ensure equal access to the many groups wanting to use the University for events, there may be times when limits on the length of time that a venue can be reserved by a single group will be imposed.

## **Mission Church**

The Mission Church, including the area bounded by the walkways on each of the four sides of the Mission Church, is an operating Roman Catholic Church. As such, the Mission Church is used exclusively for liturgical celebrations and certain University functions approved by the rector of the Jesuit Community. It is not a permissible location for expressive activity.

## **SCU Noise Level**

Santa Clara University encourages recognized student organizations and all other university entities to bring life to the campus through programming, gatherings, and other means. Event reservations and planning takes into consideration the day of the week, time of day, location, impact upon adjacencies, the academic, administrative, and liturgical processes and upon the local neighborhood. To ensure said events run successfully without the disturbance of other campus activities, the university designates outdoor campus zones that each have their unique ability to host noise related events given the considerations described above. Each zone is designated by specific decibel levels determined based on a respectful distance from adjacent buildings and the activities taking place in those buildings (i.e. classrooms, services, etc.). Events need to be formally requested and approved via the regular business practices of scheduling venues, in a timely manner for all advising and processes to be reviewed. The process for student organizations is by the Center for Student Involvement; non-student entities by the University Protocol & Events Office; and residence halls by the Office of Residence Life. The procedural details can be found on their respective websites. Events that have the potential to have noise carry beyond the university boundaries require appropriate City of Santa Clara.

## **Clean-up of Property**

Each person or organizations engaged in expressive activity shall be responsible for cleaning up any debris or garbage occasioned by their activity, including picking up and properly disposing of any handbills, fliers, or other material distributed as a part of such activity. The event organizer(s) will be charged for failure to provide adequate clean-up and/or if damage to property occurs resulting from, or in any way connected with, the event.

## **Appeals Process**

Should event organizers feel that their rights to expressive activity have been violated, they shall have the right to appeal in the following manner:

1. The appeal shall be in writing and should state with specificity how their rights to expressive activity under this policy have been violated.
2. The appeal shall be filed within five business days of the occurrence.
3. Appeals related to expressive activity sponsored by students shall be filed with the Vice Provost for Student Life. The Vice Provost for Student Life will consult with a student member of the University Policy Committee for Student Affairs in reviewing the request for appeal.

4. Appeals related to expressive activity sponsored by faculty shall be filed with the Provost.
5. Appeals related to expressive activity sponsored by staff shall be filed with the Assistant Vice President of Human Resources.
6. The appropriate official (see Nos. 3–5 above) shall review the information submitted and shall provide a written determination as to the merits of the appeal within five business days of the appeal.
7. The event organizer(s) may then appeal any adverse decision to the University President in writing, within five business days, following the date of the written determination.
8. The University President shall render a final decision regarding the expressive activity and shall provide the event organizer(s) with written notification of this decision within five business days after receipt of the appeal to the President.

In exceptional circumstances, the Vice Provost for Student Life may suspend the published timeline and establish an appropriate procedure for the particular needs of a pending event.

## **Statement Regarding Fraternities and Sororities**

National and local social fraternities and sororities, specifically those organizations with the North-American Interfraternity Conference (formerly known as the National Interfraternity Conference) and National Panhellenic Conference, are not permitted at Santa Clara University. Santa Clara University is not affiliated with, nor does the University recognize, such organizations even if Santa Clara University students are members of those organizations.

## **Student Organizations**

### **Registration**

Students are free to organize and to join associations whose stated purposes are consistent with the University mission and its Catholic, Jesuit character. All student organizations seeking eligibility for University benefits must be registered or chartered with the University and must follow the procedures listed below. Registering or chartering a student organization carries with it certain rights and responsibilities. Registered student organizations (RSOs), and chartered student organizations (CSOs), like registered students, can be held accountable to the standards and norms of conduct and civility that help constitute a Catholic, Jesuit campus community. Registering or chartering an organization says to those who belong to it that their contribution is viewed as

part of the overall educational mission of the institution and that the students must continue to strive to be faithful to that mission. Rightly understood, however, registration or chartering of an organization does not of itself imply an institution's endorsement of particular stands the organization may take.

The following are guidelines for the registration and chartering of student organizations:

1. With the exception of chartered student organizations (CSOs) such as Associated Student Government (ASG) of Santa Clara University, Santa Clara Community Action Program (SCCAP), Activities Programming Board (APB), Into the Wild, Multicultural Center (MCC), KSCU 103.3 FM, *Santa Clara Review*, *The Redwood*, and *The Santa Clara*, Santa Clara University delegates responsibility for the registration of student organizations as follows:
  - A. The criteria for becoming a chartered student organization (CSO) are available on the Center for Student Involvement's website at [www.scu.edu/csi/organizations/cso/](http://www.scu.edu/csi/organizations/cso/).
  - B. All undergraduate student organizations seeking eligibility for University benefits are required to be registered student organizations (RSOs) and approved by the ASG Senate. See the student organization registration website at [www.scu.edu/csi/organizations/rso/](http://www.scu.edu/csi/organizations/rso/) for specific registration information.
  - C. Graduate school student organizations seeking eligibility for University benefits are required to be registered by their school's student government. Registration can also be withdrawn by the action of the appropriate student government. See appropriate graduate student organization bylaws for registration procedures.
2. Registration and eligibility for University benefits shall be neither withheld, nor denied on the basis of race, color, religion, gender, sexual orientation, disability, national and/or ethnic origin, age, or any other consideration made unlawful by federal, state, or local laws.
3. Disputes, challenges, and exceptions to the above registration policies shall be presented to the Vice Provost for Student Life or designee.
4. The University administration reserves the right to review such decisions, offer guidance on them, and even intervene when necessary if the educational values and mission of the University appear to be undermined. Santa Clara University seeks to encourage the exercise of responsible freedom; therefore, student representatives should be allowed the greatest possible discretion in making these judgments.

A written request for administrative intervention may be filed with the Vice Provost for Student Life, by the student petitioner, within five working days from the conclusion of the announced decision of the Associated Student Government (ASG) Student Court appeal process. The request for intervention will identify why the petitioner believes the educational values and mission of the University may have been undermined. The Vice Provost of Student Life will notify the ASG that a request for administrative intervention was filed. The Vice Provost for Student Life may consult directly with members of the ASG, if appropriate. The Vice Provost for Student Life will issue a decision regarding the intervention within five working days of receiving the request. The decision of the Vice Provost for Student Life is final.

5. Registering or chartering a student organization in no way implies that the University endorses positions or points of view espoused privately or publicly by the organization, and the student organization should represent itself in ways that make this point clear.
6. All student organizations seeking registration shall, at the time they apply to be registered, meet the following criteria and agree to the following rights and responsibilities:

### **Rights**

- A. Use of the University name in association with the student organization in the manner designated by the institution
- B. Use of University facilities at no charge or at reduced charge
- C. Ability to solicit membership on campus
- D. The opportunity to sponsor events, plan programs, hold fundraisers, and host guest speakers in accordance with relevant University policies
- E. Eligibility to request student activity funding from appropriate sources
- F. Access to campus services, leadership programs, the expertise of a faculty or staff advisor, representation by the respective student government, and the advice and counsel from the appropriate administrative offices
- G. Use of designated posting areas for print and digital material and other communication resources on campus

### **Responsibilities**

- A. The student organization shall be reviewed for compliance of their activities with their constitution, shall have a constitution that states the purpose and goals of the organization and how they are consistent and compatible with the mission and goals of the institution and its

- Catholic, Jesuit character. Any changes in an organization's constitution related to the purpose of the organization will require review of the organization's registration status
- B. The constitution and other registration or chartering materials should include a statement with respect to the student organization's affiliation, if any, with off-campus organizations
  - C. The student organization should agree to institutional policies and procedures appropriate to the organization's activities and conduct both on and off campus
  - D. The student organization shall ensure that all leaders and officers meet the "Eligibility Policy for Participation in Student Activities"
  - E. The student organization should agree that the exercise of freedom of expression will be peaceful and non-disruptive, with appropriate consideration of and respect for differing points of view
  - F. The student organization should seek the advice and counsel of its advisor
  - G. The student organization shall ensure that activities and programming are consistent with the organization's constitution and bylaws (or similar documents) as well as adherent to University policies and local, state, and federal laws including Title IX, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, and NCAA bylaws
  - H. The student organization shall operate on a non-profit basis
7. Clarification and interpretation of the above guidelines will be provided as needed by the Vice Provost for Student Life or designee.

### Activities Regulation

- 1. The University reserves the right to:
  - A. Limit or restrict the on-campus activity of any student organization, registered or unregistered, or any individual whose purposes are directly contrary to the institution's stated mission and purpose and its Catholic, Jesuit character
  - B. Exclude funding or other forms of University support for particular events that involve the organized advocacy of positions or activities deemed contrary to the institution's mission and its Catholic, Jesuit character
- 2. The University also has the right to regulate the time, place, and manner of all on-campus student activities and expression, and to prohibit any activity, speech, or expression that is deemed by the administration to create a clear and present danger of:

- A. Blocking roadways or walkways or common areas
  - B. Restricting or preventing physical access to campus buildings
  - C. Generating excessive noise
  - D. Interfering with or disrupting classes or unlawfully interfering with other campus events or activities
3. In addition, the University has the right to prohibit, prevent, or stop expression which, by its content:
- A. Presents a clear and present danger of inciting violence or unlawful behavior
  - B. Advocates the physical harm, coercion, intimidation, or other invasions of personal rights of individual students, faculty, staff, administrators, or guests
  - C. Violates University policies regarding harassment and student conduct
  - D. Advocates willful damage, destruction, or seizure of University buildings or other campus property; destruction or interference with University classes; or unlawful interference with University events or activities
4. The University has the right, through its Student Conduct System, to impose discipline, as deemed appropriate, on any student or student organization whose oral or written expression violates University policy or codes of conduct, or goes beyond that which is protected by this particular policy.

## Scheduling

All activities held by registered student organizations (RSOs) and chartered student organizations (CSOs), other than an informal business meeting, must be scheduled by the appropriate University office.

Events scheduled inside a residence hall must end by the start of quiet hours, unless prior permission is granted by the appropriate resident director or area coordinator. Events held in outdoor areas adjacent to residence halls and Benson Memorial Center must end by nightfall Sunday through Thursday and by midnight on Friday and Saturday.

## Risk Management

Student organizations planning an event must follow risk management strategies. Risk management strategies may include, but are not limited to, the review of contracts, transportation, fire and safety regulations, crowd-safety and

security, instructor/facility certification, accessibility for disabled individuals, hosting minors, food safety, and waivers and insurance. For additional information, contact the Center for Student Involvement.

### Amplified Sound

Organizations wishing to have amplified music at an outside event must obtain specific approval from the manager of the facility being reserved. Approval then must be granted from the City of Santa Clara for an outside noise permit. The general hours available for outdoor amplification of sound are: Friday from 4:30 p.m. to 10 p.m., Saturday from 11 a.m. to 10 p.m., and Sunday from 11 a.m. to 5 p.m. Outdoor amplification is not permitted Monday through Thursday. No outdoor amplification is allowed during the undergraduate and graduate final exam periods and law school reading period, final exam periods, and commencement. Amplification of music or speech is not permitted in outside areas immediately adjacent to classroom buildings while classes are in session.

### Student Records and Release of Information

The Family Educational Rights and Privacy Act of 1974 (FERPA) protects the confidentiality of the University records of Santa Clara University students. A student is any person who attends or has attended class, which includes courses taken through video conference, satellite, Internet, or other electronic and telecommunication technologies, and for whom the institution maintains education records. The University is authorized under provisions of the Act to release directory information to any person on request, unless a student explicitly requests in writing that the University not do so and keep directory information confidential.

A student's directory information is designated as follows:

1. Student's name
2. Address: Campus post office box, local, and permanent addresses (residence hall and room numbers are not disclosed)
3. Telephone number
4. Email address
5. Photograph
6. Date and place of birth
7. Major field of study
8. Classification level/academic level

9. Dates of attendance (defined as academic year or quarter)
10. Participation in officially recognized activities and sports
11. Weight and height of members of athletic teams
12. Degrees (including expected or actual degree date), honors, and awards received and dates
13. Most recent educational agency or institution attended

During the registration period and throughout the academic year, students may request in writing through the Office of the Registrar that directory information be kept confidential. Once filed, the request remains in effect until the beginning of the next academic year or a shorter period if designated by the student. Graduating students must notify the Office of the Registrar in writing to remove the nondisclosure notation from their record.

The University is authorized under FERPA to release educational and directory information to appropriate parties without consent if the University finds an articulable and significant threat to the health or safety of a student or other individuals in light of the information available at the time.

Former or current borrowers of funds from any Title IV student loan program should note carefully that requests for nondisclosure of information will not prevent the University from releasing information pertinent to employment, enrollment status, current address, and loan account status to a school lender, subsequent holder, guarantee agency, the United States Department of Education, or an authorized agent.

Students have the right to inspect and review their educational records at the following offices:

1. Official academic records, including application forms, admission transcripts, letters of acceptance, and a student's permanent academic record are on file and maintained in the Office of the Registrar
2. Working academic files are also maintained by the Drahnann Center
3. Records related to a student's nonacademic activities are maintained in the Office of Student Life
4. Records relating to a student's financial status with the University are maintained in the various student financial services offices

Certain records are excluded from inspection, by law, specifically those created or maintained by a physician, psychiatrist, or psychologist in connection with the treatment or counseling of a student. Parents' financial information, including statements submitted with scholarship applications, is also excluded from inspection, by law. Third parties may not have access to

educational records or other information pertaining to students without the written consent of the student about whom the information is sought.

Students have the right to request the amendment of their educational records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. Students may direct complaints regarding academic records to the dean of the college or school in which they are enrolled or to the University registrar. In addition, students have the right to file a complaint with the United States Department of Education concerning alleged failures by the University to comply with the requirements of the Act. Written complaints should be directed to the Family Policy Compliance Office, Department of Education, 400 Maryland Ave. SW, Washington, D.C. 20202-5920.

For further information regarding Santa Clara University's FERPA policy, see [www.scu.edu/ferpa](http://www.scu.edu/ferpa).

## Transportation

### Vehicles

Parking on campus requires a valid parking permit or visitor pass at all times. Term parking permits are purchased through eCampus. Daily passes may be purchased at the main entrance kiosk, Transportation Services, or Campus Safety Services. SCU parking regulations are posted at <https://university-operations.scu.edu/campus-safety/parking-and-transportation-services>.

### Parking Permits

Permit parking is enforced in lots B, E, and F Monday through Friday from 6 a.m. to 8 p.m. and in residential lots 24 hours a day, 7 days a week (SCU holidays excepted, or unless otherwise posted). Visitor parking spaces are reserved for University guests. Temporary visitor permits may be obtained at the main entrance kiosk, Transportation Services, or Campus Safety Services. Spaces marked "Reserved" or "Enforced 24 Hours" may result in a vehicle being towed at the owner's expense.

Enforcement of parking regulations is carried out by Campus Safety/Transportation Services. All citations are turned over to a contract citation-processing administrator. Unpaid parking fines will result in the placement of a hold on the student's University account. The accumulation of five or more unpaid parking citations may result in the towing and storage of the vehicle by any law enforcement agency until the citations are cleared. Three or more unpaid citations may result in the vehicle being immobilized.

Parking is authorized only in designated lots and spaces according to the class of the permit displayed on the vehicle. Anyone parking a car on campus should check for signs posted at the entrances plus interior signs and surface stencils to ensure that he/she is parking in an authorized space. The parking regulation brochure also includes a map showing the type of parking authorized in the various spaces.

Red zones are emergency access lanes and must be kept clear at all times. Vehicles parked in red zones will be towed at the owners' expense.

### Hoverboards, Skateboarding, In-line Skating, Roller Skating, and Bicycle Riding

The disturbing, reckless, or unsafe riding of skateboards, in-line skates, roller skates, or bicycles on campus is prohibited. Any riding that endangers the safety of pedestrians, damages University property, or creates a noise nuisance is prohibited under this policy. Tricks, stunts, acrobatic actions, or other actions likely to cause personal injury or damage to University property are specifically prohibited.

The use, possession, or storage of hoverboards is prohibited in all campus buildings, including residence halls and Neighborhood Units, and on all other areas of campus, including walkways and parking lots.

Due to the potential risk of harm to the participant, others, and/or damage to property, this policy also applies to other recreational activities such as slacklining\*, an activity that involves stretching nylon webbing between two anchor points at different heights for the purpose of walking across and doing stunts.

*\*Note: To locate spaces on campus where slacklining is allowed, go to:*  
**<https://www.scu.edu/recreation/facilities/slacklining/>**

The operation of vehicles, including bicycles, mopeds, motor scooters, and motorcycles, in the parking lots and interior streets of the campus is governed by the University parking and traffic regulations. Enforcement of this policy is the responsibility of Campus Safety Services (408-554-4441). Violations of the policy may be subsequently dealt with in the following manner:

- Students—through the Student Conduct System;
- Employees—through the employee disciplinary process;
- Nonaffiliates—through trespass, malicious damage, or other sections of public law as are appropriate.



# HOUSING AND RESIDENCE LIFE POLICIES, PROCEDURES, AND STANDARDS

*The University policies, procedures, and standards apply to all students. In addition to these, the following policies, procedures, and standards apply to students living in University housing facilities.*

## Introduction

Living in University housing requires all individuals to be responsible and respectful of the policies, procedures, and standards that have been established to protect each student, to ensure personal and University property is well-maintained and protected, and to maintain a reasonable sense of order and structure. The items identified assist us in providing a safe, clean, academic environment. Additional information for students living in University housing is provided in the University Housing Contract.

By choosing to live on campus, students agree to:

1. Develop, embrace, and hold others accountable for the Community Standard Agreement for the community
2. Accept responsibility for their actions and for the actions of those they bring into the community
3. Use the Roommate Agreement form to aid in creating a respectful and comfortable living situation
4. Respect and cooperate with custodial staff, maintenance staff, and University personnel who work within the community

A two-year residency requirement was instituted beginning with the class of 2025 (entering fall 2021).

In support of the residential nature of Santa Clara, and the University's commitment to integrated education, all unmarried, full-time undergraduate students are required to live on campus during their first and second year, unless the student has been approved for an exception or space is not available to accommodate this requirement. Class year is based on total academic years in college. On-campus residency is required until a student is in their third year of college.

Exceptions to the residency requirement are considered based on medical or religious conditions which cannot be accommodated in on-campus accommodations, situations in which living on campus would result in severe financial burden or family hardship and exceptions for students who live with immediate family in their primary residence within 30 miles of campus. Additional information can be found at [scu.edu/living](https://scu.edu/living).

Should a student be found responsible for violating university and/or Housing and Residence Life policies, their Housing Contract can be canceled.

**Housing Contract Cancellations** are most times extended through the academic year. If a contract is canceled for a first-year student the contract would be canceled for the remainder of that year with the expectation that they return to live on campus for the required sophomore year.

If a student has their housing contract canceled, the student shall be subject to prorated room charge plus a cancellation fee of \$700 charged to their student account. The amount left on the student's resident dining account will be refunded based on the amount available at time of official check-out. Questions related to billing after contract cancellation can be directed to the Housing Office.

## Justice Starts Here

The Offices of Housing and Residence Life affirm and celebrate the dignity of all people. By entering into the residential communities, you agree to actively, intentionally, and continuously engage each member and guest in discussion and celebration of both our incredible differences and our unifying commonalities. We welcome you in joining us to meet our goal of creating a community where Justice Starts Here—in your home!

### Celebrating the Dignity of All People

The Offices of Housing and Residence Life recognize that the University community is comprised of individuals who represent diversity on many levels and celebrate this diversity, which includes, but is not limited to: thought, age, race, ethnicity, socioeconomic status, sexual orientation, gender, gender identity/expression, ability, medical condition, religion, belief system, culture, ancestry, nationality, military/veteran status, marital status, and body image.

**LISTEN:** to the stories of others. In the spirit of Magis, we seek not only tolerance of each other's unique identities, but a greater understanding and holistic acceptance. By entering into the community, you are agreeing that you and your guests are equally accountable to each other for the words and actions that take place within the community. We will strive to create a

community where listening takes priority in conversation. From listening will come understanding, positive and educational dialogue, and appreciation.

**SPEAK:** find your voice and be a voice for others. By entering our community we empower you to respectfully confront and report instances of intolerance, injustice, and hate. We ask that you be open to being challenged on your own words, actions, and inactions with humility and that you understand that our intentions can be very different than our impact. We hope that through sustained dialogue our community can restore broken relationships and find opportunities for healing and growth.

**ACT:** take personal responsibility for yourself, others, and this community. We embrace the philosophy that all persons who are marginalized, ridiculed, and demeaned in our community for their identities—visible and invisible—are entitled to a safe space in our home. It is the responsibility of each member of the Santa Clara University’s Housing and Residence Life community to create this safe space for all. We strive for an atmosphere of inclusion and unity within our community at all times. We will not tolerate hateful talk or actions that make people feel unsafe in our community.



**Listen:** to the stories of others

**Speak:** find your voice and be a voice for others

**Act:** take personal responsibility for yourself, others, and the community

## Housing and Residence Life Community Operations and Policies

The following section outlines many of the policies and procedures necessary for building a respectful community and providing for efficient residence hall operations. These policies are established for the health, safety, security, and well-being of on-campus residents. Penalties for violating any of the following policies range from a warning up to a maximum fine of \$500 per person, per violation, depending upon the severity of the incident, and/or referral to the University Student Conduct System.

## Alcohol and Marijuana Policies Within University Housing

This section applies to policies specific to University Housing. For university policy information, see the “Student Conduct Code” and “Student Conduct System” for additional information. Students may not be in the presence of, possess, distribute, or use marijuana (for medicinal or recreational purposes) in

any property owned or controlled by the University. See Marijuana Policy” for additional information.

In the interest of maintaining a safe and healthy living and learning environment, students are expected to either discourage misconduct, including the use of alcohol, marijuana, and other drugs, or report such violations. Students are responsible for removing themselves from all situations where alcohol, marijuana, or other drug policy violations are present. If a student chooses to not take such action and simply remains in the presence of the alcohol, marijuana, or other drug use, then they may also be in violation.

Any person under the age of 21 who is in possession of alcohol or is in a room where alcohol is knowingly or unknowingly present will be assumed to have been consuming alcohol, as it is difficult to determine who was drinking and who was not.

Students of legal drinking age (21 years or older) may consume and possess alcoholic beverages in the privacy of their own rooms in the residence halls and apartments, provided the space is not shared with an underage roommate. Regardless of age, excessive and inappropriate use of alcoholic beverages is strictly prohibited, whether or not consumption occurred on or off campus.

Students hosting guests (including fellow SCU students and non-SCU guests) are responsible for their guests’ adherence to the policy.

Possession and/or consumption of alcoholic beverages in public areas is prohibited. Public areas in residence halls refer to all areas other than individual rooms or living spaces, including but not limited to rooms with open doors, rooms with closed doors to which attention is attracted by noise, hallways and corridors, lounges, restrooms, and outdoor areas including private patios.

Empty alcohol containers, paraphernalia, and/or packaging within a student’s room (including those decorative in nature) will be considered the property of the student. Students and their guests can be held in violation of the Alcohol Policy if there are empty containers and/or packaging materials in their rooms.

**Air conditioners** of any type (window or stand-alone) or size are not permitted at any time in University-operated student housing buildings. If you require the use of an air conditioner, please contact the Housing Office.

**Amplified musical instruments and drums** are not permitted due to noise levels. Stereo equipment is permitted; however, the Residence Life staff reserves the right to regulate the sound level and to require that residents remove sound equipment from the residence halls if problems with excess noise persist.

**Appliances** are permitted as long as they pose no undue safety risk, include no exposed heating elements, or do not unnecessarily over utilize building utilities. Appliances that create undue safety risks are not permitted within the residential living community. The University reserves the right to require the use of Energy Star rated appliances.

Approved appliances	Unapproved appliances
Clocks	Air conditioners
Computers	Ceiling fans
Desk lamps	George Foreman style home grills designed for indoor, countertop use
Fans	Hot plates
Hair dryers	Space heaters
Hot pots with non-exposed coils	Sun lamps
Microwaves	Toasters*
Refrigerators (Energy Star certified and 4.5 cubic feet or smaller)	Torchiere halogen lamps
Televisions	Window appliances (humidifiers, etc.)

*\* Are permitted only in Graduate housing, Casa Italiana, Sobrato, and University Villa Apartments and Neighborhood Units.*

**Bikes** may be stored in a student’s room or apartment. Bikes, however, may not be stored in hallways or other common areas within the halls. For safety reasons and to meet fire codes, bikes must not be attached to stairways or exit areas.

**Candles/open flames/incense** are considered extremely dangerous due to the potential of fire and are prohibited. Unburned candles or incense sticks are also not permitted. Students may not create open flames of any kind for any reason in any University housing facility location. Grills cannot be used in or near residence halls, apartments, or on private student patios/balconies without authorization from appropriate housing and residence life staff. Grills are not allowed to be stored in any University-operated student housing. All violations of this policy are considered to be serious as open flames pose the largest single safety threat to University housing facilities.

**Check-in/check-out procedures** are important processes for all residents to follow. Upon arrival, you will receive access to the on-line Room Inspection Inventory (RII) in which you will be able to comment on the condition of your room and common spaces within suites and apartments. The RII will protect you from being held responsible for damages that existed in your space prior to your occupancy. The electronic RII will protect you from being held responsible for damages that existed in your space prior to your occupancy.

All residents must follow certain check-out procedures as outlined by the Offices of Housing and Residence Life when moving out of your assigned space.

Undergraduate residents will check out utilizing the Check-Out process. Although charges incurred during the Check Out process are not able to be appealed through the University appeal process as detailed in this handbook, information/clarification regarding charges incurred can be obtained by contacting the Housing Office no later than twenty one (21) calendar days after the charge has been posted to your SCU bursar account.

Graduate residents must follow check out procedures as outlined by your building staff, and will require the Check-Out process. Although charges incurred during the Check-Out Agreement Form process are not able to be appealed through the University appeal process as detailed in this handbook, information/clarification regarding charges incurred can be obtained by contacting the Housing Office no later than twenty one (21) calendar days after the charge has been posted to your SCU bursar account.

If you are moving out prior to the end of the academic year, you must contact the Housing Office to request a cancellation and, if approved, a decision about a possible refund will be determined. Remember, the University Housing Contract is in effect for the entire duration of a full academic year. Cancellation requests are reviewed on a case-by-case basis. You are expected to check out no later than 24 hours after your last final exam.

**The Check Out** is a process that is required of all undergraduate residents as well as graduate residents. You must follow instructions provided to you by the Offices of Housing and Residence Life. The final assessment/walk-through of your space will be conducted by staff members of the Offices of Housing and Residence Life after you have moved out of your space. This assessment/walk-through will be conducted before any other person takes occupancy of your vacated space. Although charges incurred during the Check-Out process are not able to be appealed through the University appeal process as detailed in this handbook, information/clarification regarding charges incurred can be obtained by contacting the Housing Office no later than twenty one (21) calendar days after the charge has been posted to your SCU bursar account

**Closing and opening:** All residence halls/housing facilities will close at specified times as announced by the Offices of Housing and Residence Life, though you are expected to check out no later than 24 hours after your last final exam.

All residence halls/housing facilities, except for Neighborhood Units, University Villas and Graduate facilities, close at the end of the fall quarter and re-open for the winter quarter at 9:00 a.m. the day prior to the first day of classes. You are expected to vacate your room and building at the scheduled times and to properly follow all check-out procedures. Failure to vacate in the specified timeframe will result in the immediate removal of access to University housing, possible accrual of additional fees (packing, moving, storing of personal items, etc.), and possible University disciplinary action.

**Commercial/business use of facilities** is prohibited. Students may not use their apartments, or any University housing facility for commercial/business purposes. This includes use of data and cable TV connections/lines, as well as University-furnished mailbox numbers. Solicitation and/or the distribution of published materials and fundraising may be conducted only in accordance with University policy. Establishment and use of private wireless gaming, data, or communication networks is subject to review of Housing and Residence Life and/or designated SCU staff.

**Common-area space** (lounges, hallways, and restrooms) is for the use and enjoyment of all residents. Common-area spaces are frequently used for individual studying, group study sessions, and occasionally for classes. Located in various lounges are pool tables, televisions, microwave ovens, pianos, ping-pong tables, kitchenettes, and study areas. Residents are responsible for the day-to-day upkeep of these areas. Lounge furniture, cushions, or any University property must not be removed from common-area spaces. Students and guests are prohibited from sleeping in common areas. Walls and/or ceilings in common areas should not be more than 10% covered by combustible material like paper or fabric.

**Community damage** is damage done to public areas that would not be considered individual room damage. The public-area losses or damages that are preventable (such as broken windows, stolen furniture, light fixtures, and elevator vandalism) and are not assignable to individuals will be billed in equal amounts to the floor or building community, or as determined by building staff. It is the responsibility of all residents to be aware of their environment and to hold students who vandalize property accountable.

**Consolidation** is necessary when numerous students are living in rooms or apartments without roommates. Requests to consolidate will happen no later than the fifth week of the spring quarter. To make the best use of available space, students who want to pay the double room rate need to consolidate with other students. When possible, students living alone in double rooms will be offered the opportunity to rent their double room as a single, at an increased cost.

**Contracts** for University-provided undergraduate and graduate student housing are legally binding documents and should be read carefully and retained for future reference. Copies of all contracts can be found on the On-Campus Living website. Policies for suspending or terminating a contract can be found in the documents.

**Dropping objects out of buildings or throwing objects at buildings** (windows, balconies, etc.) is strictly forbidden. Due to the obvious danger, as well as potential for broken windows, the throwing of anything at or dropping of anything from University residences is not tolerated.

**Elevators** are located in various halls for the convenience of the residents and their guests. It is expected that the elevators will be used properly. Overloading (too many occupants), jumping or swaying in elevators, or the misuse of elevator equipment is a serious safety risk and is strictly prohibited. Costs associated with misuse will be charged to the community or the individual(s), if known.

**Exits, doorways, and all hallways** must have minimum of a 48-inch clearance from obstructions such as boxes, bicycles, and mattresses, at all times.

**Extension cords** are not permitted in University residence halls or apartments at any time, for any reason, per California State Fire Code. See “Power Strips” for further information. **Power strips** are permitted only if they are UL-approved, circuit breaker-type and their use must be kept to a minimum in University residence halls, Neighborhood Units, and apartments. Students must follow manufacturer guidelines in order to ensure that they are not overloaded. **Exits, doorways, and all hallways** must have minimum of a 48-inch clearance from obstructions such as boxes, bicycles, and mattresses, at all times.

**Fire safety equipment** has been installed in most buildings to provide maximum protection from fire. This equipment includes pull stations, pull station covers, smoke/heat detectors, sprinklers, water hoses, door hold open hardware, fire alarm panels, and fire alarm lights and horns. It is imperative that this equipment be properly respected and maintained. If equipment is not working properly, you must report it immediately to University staff. A student found tampering or fraudulently using this equipment places the community at risk and the disciplinary response will be severe. Disciplinary action may include a maximum disciplinary fine in addition to possible University housing expulsion and possible suspension from the University. The Santa Clara Fire Department may also investigate such activity and may prosecute offenders.

**Furniture**, other than University issued, must adhere to all California state fire codes. All furniture must be flame retardant. Upon checking out, students are required to return furniture to its original configuration. Water beds are not permitted inside University residence halls or apartments at any time. All University-issued furniture must remain in designated room or apartment and is not be taken outside. Beds in the University Villas community can only be bunked and unbunked by Housing staff and only in spaces designated for bunked beds. Only furniture that is rated/designed to be outside can be used or placed on patio or porch areas.

Furniture that is designed for indoor use shall not be placed in any outdoor gathering spaces, such as porches, balconies, patios, or yards.

**Guests** of residents are welcome in University residence halls, Neighborhood Units, and apartments, lounges/study rooms, and public spaces at any time provided they are accompanied by an SCU student. Guests are defined as any person who is not contracted to live in the residence hall, Neighborhood Units, or apartment where they are present. This definition includes other SCU students who live in other residence halls or who live off campus.

Students are responsible for the actions of their guests (both SCU and non-affiliate) and will be held accountable for any violations of University standards, policies, or procedures by a guest. Students must physically accompany their guests at all times while they are present in residential facilities, including when entering and exiting the facility. Residents should not allow guests to wander the residence halls unescorted. Responsibility lies with the resident responsible for the guest, in addition to the individual creating the problem.

Guests of residents are permitted to stay overnight in the residence halls. Any guest who intends to stay longer than three consecutive nights or for more than a total of seven nights each academic year must obtain prior written permission from Residence Life staff. Given the values of Santa Clara University, cohabitation is not permitted in University residence halls or apartments.

Residents must obtain approval from their roommate(s)/suite(s) before hosting an overnight guest. If the presence of a guest, regardless of whether the guest is, or is not, another student, denies the roommate/suite(s) the right to a reasonable amount of privacy, the roommate/suite(s) is encouraged to discuss this first with their fellow resident. If the students are unable to reach agreement on this matter, the students are encouraged to seek the assistance of the residence hall staff by speaking to their Community Facilitator (CF) or Neighborhood Representative (NR). If necessary, the University reserves the right to limit the guest privileges of a student.

The University reserves the right to remove guests from campus who are found in violation of policy.

**Halogen-bulb lamps** have been the cause of multiple residence hall fires around the country. To promote the safety of students living in residence halls, torchiere halogen-bulb (i.e., floor lamps) lamps are not permitted in any residential community, including Neighborhood Units.

**ACCESS key cards or Mobile Credentials** should be in your personal possession at all times. Do not loan out your residence hall or apartment Access card or Mobile Credential to anyone. Students should immediately report lost or stolen Access Cards or Mobile Credentials to the Housing Office, or Campus Safety after hours or on weekends. Residents will be charged \$20 for replacement of an ACCESS key card. If you drop your Access card down the elevator shaft or a sink, you will be held responsible for any resulting maintenance expenses.

**Light fixtures and fire equipment** (sprinklers and smoke detectors) should never be used to hang things from and must never be tampered with or turned off in any fashion. All room/space fixtures (including but not limited to appliances, electrical outlets and switches, plumbing, and door hardware) are not to be removed or altered in anyway.

**Lockouts** are managed by the Housing Office, and Campus Safety Services. Should you be locked out of your room between 8 a.m. and 5 p.m. Monday through Friday, you may check out a temporary key card in the Housing Office in Benson Center, Room 212. This includes Neighborhood Units residents. After 5 p.m. on weekdays, you must contact Campus Safety Services.

The Offices of Housing and Residence Life recognize that students will occasionally lock themselves out of their room. Residents who check out temporary key cards, or call Campus Safety Services for assistance more than three times in the academic year will be subject to fines. The first three (3) lockouts during the academic year will not result in a fine. However, after the third lockout, there will be an incremental fee structure beginning at \$50 for the fourth lockout, \$75 for the fifth, and \$100 for any lockout thereafter. Students should take great care in securing their ACCESS key card or Mobile Credential when leaving campus for break periods. Due to the high volume of lockouts during the first 24 hours after a break period, the Housing Office reserves the right to increase the fine up to \$100 for lockouts performed during this period.

**Lofts** (other than University-issued loft furniture) are not permitted due to the City of Santa Clara fire marshal's mandate, and the University Risk Management Office. Improperly lofted or bunked beds using University-issued furniture components, furniture elevated using "stilts," and furniture assembled/supported using cinder blocks, other furniture, or homemade structures are not permitted.

However, residents of Neighborhood Units may use their own purchased lofts so long as the loft furniture was designed as a bunk or lofted bed. Residents are *not* permitted to build their own lofts. Lofts may not be attached to any physical structures within the Neighborhood Unit. The Housing Office will supply a University-issued loft (either full size or XL twin) to residents of Neighborhood Units who submit a request by published due dates.

**Neighborhood Unit Large Gatherings:** Students should be aware that all means of exit should remain free and clear of all obstructions as it is never known when these may be needed during an emergency. Overcrowding can also hinder access to and use of these same exits. Controlling or regulating the number of students who attend social functions at off-campus housing facilities must be considered.

Neighborhood Unit residents are responsible for making sure gatherings do not cause a safety issue. Residents must be aware that having a large number of guests on the premises may create safety problems when exiting the building or the area outside the property.

**Noise/quiet hours** pose a common problem when large groups of people live under one roof. Because of this, residents are expected to be considerate of other residents at all times, including respecting others' rights to sleep, to study, and generally, to not be disturbed. Yelling out windows or into buildings is not permitted. Quiet hours (sound level confined to one's room) are in effect from 11 p.m. to 10 a.m. Sunday through Thursday and from 1 a.m. to 10 a.m. Friday and Saturday. All other times are considered courtesy hours, which means students must comply with any request to be quieter. During final exam periods, quiet hours are in effect 24 hours a day.

**Occupancy limits** for each residence hall room or living space are based on California State Fire Code. No more than:

- 8 persons may be present in any standard double residence hall room
- 6 persons in any suite or apartment bedroom
- 6 persons in a studio apartment
- 8 persons in a one bedroom apartment (including those in the bedroom)

- 10 persons in a two bedroom suite or apartment (including those in bedrooms)
- 20 persons in a four bedroom suite or apartment (including those in bedrooms)

**Personal property insurance:** The University assumes no responsibility for damage to personal property due to fire, theft, water leaks, interruption of utility service, doors left unlocked, or other causes. Residents are strongly encouraged to consider purchasing personal property insurance to cover loss or damage to personal property or facilities.

**Pets** are only allowed in University-operated student housing when they reside with a live-in residence hall faculty or professional staff member. All pets must be leashed and kept at a minimum standard level of restraint at all times while inside residence hall facilities.

Due to health and sanitary regulations, students and guests are not to bring pets inside University-operated student housing at any time. Fish that are living in containers that have a volume capacity of less than five gallons are permitted.

**Repairs and custodial services** are provided by Facilities. If your room needs a repair, you may submit a work order online via eCampus. Reporting common-area maintenance problems to your building staff will keep your lounges, bathrooms, and hallways in top condition. If an emergency repair is needed (such as an overflowing toilet), report it to the first person you can reach, in the following order: your building staff; your service desk; the Community Facilitator on duty from 7 p.m. to 8 a.m., and all day throughout weekends; the Housing Office, open weekdays from 8 a.m. to 5 p.m. at 408-554-4900. If none of these options are available, call Campus Safety Services at 408-554-4441.

**Resident room doors** cannot be completely covered and must be recognizable as a door to emergency responders. Door handles/hardware, name tags, room numbers, etc., cannot be covered. Paper decorations should not exceed 80 percent of the door. Room doors must remain in the closed position at all times unless (1) a person is actively moving through the doorway in order to gain entry or exit the room, (2) the door can be held open using a University-installed magnetic door hold device, and (3) the room door opens onto an outside corridor.

**Residence room numbers** must be clearly visible and unobstructed at all times on all doors for security and safety reasons.

**Restrooms** must only be used for whom they are designated (i.e. male, female, or gender neutral) and are closed during the custodial cleaning time. Times for cleaning will be posted on restroom doors. No one is allowed to enter the restroom for any reason while the custodian is inside cleaning the restroom.

**Roofs, ledges, and windowsills** are not available for use by students or for the placement of a student's belongings. Due to the obvious danger present, disciplinary action may include the maximum disciplinary fine with possible suspension from the University.

**Room alterations and decorations; painted walls:** Decorations for your room consisting of sheets, nets, curtains, or large pieces of material hung or draped from the ceiling and walls is not permitted due to the combustion hazard they present. Pieces of any material covering more than 50% of the total wall or ceiling area or fabric above the bed in any residential space is prohibited. Room decorations should not be hung from the ceiling T-bar metal framing that supports the ceiling tiles. Additional information regarding room decoration guidelines can be found at [www.scu.edu/living](http://www.scu.edu/living).

Painting is completed by Facilities personnel or painting contractors. Because a great deal of effort is expended in repainting student rooms, residents are not permitted to paint their rooms or apartments. Students will be held responsible for any and all damage done to walls, windows, doors, or furniture.

To prevent damage to the painted walls in your space, we encourage the use of push pins to post items. For buildings with concrete walls, we encourage the use of removable mounting putty. The use of any other adhesive or hanging hardware, including screw, large nails or pins, 3M command strips, blue tape, or double stick tape is not recommended and often will result in wall damage charges.

**Room and building security:** Propped open exterior doors seriously jeopardize the security of the residents and property within the building. NEVER PROP OPEN ANY EXTERIOR DOOR. The University reserves the right to fine communities where propped doors are repeatedly found. Entrance into residence halls is by ACCESS card only. Residents should always escort guests into the buildings and should not allow guests to wander the facilities unescorted. Students are responsible for locking their resident room doors and securing their room windows when they are not present, or while sleeping. The University is not responsible for personal property. See "Personal Property Insurance" on page 90.

**Room assignments** are made with special attention to the learning community preference and the compatibility of the students. The University reserves the right to assign student rooms and apartments to make the most effective use of available space, to reassign students at any time, and to use unallocated space in any residence hall or apartment. This agreement does not guarantee specific assignments or roommates.

**Room changes and swaps** are allowed according to established guidelines. Residents are encouraged to work out any difficulties they have with their roommates directly and proactively. If, however, a situation arises where irreconcilable conflicts exist, a room change might be possible during the established room-change period. Residents with roommate problems should contact their Community Facilitator or Neighborhood Representative first and then submit the proper form prior to the move. Room changes are not allowed during the first three weeks of the Fall quarter so that staff may complete accurate rosters and so that roommates will not request changes based on initial impressions. Room Changes are not available in the spring quarter.

Room swaps are allowed only when the proper paperwork is completed and approved by the respective Residence Life professional staff. Please refer to the Housing website at [www.scu.edu/living](http://www.scu.edu/living) to learn more about how to submit an online room swap form and review applicable due dates. Room swaps apply only to Casa Italiana, Neighborhood Units, Sobrato, and University Villas.

**Room damage charge information:** Room damage charges will be posted to your SCU student account within two weeks of your move out. Although charges incurred during the Check-Out Agreement process are not able to be appealed through the University appeal process as detailed in this handbook, information/clarification regarding charges incurred can be obtained by contacting the Housing Office no later than twenty one (21) calendar days after the charge has been posted to your student account.

**Room damage charge** will be assessed once you have moved out of your space. The final assessment/walk-through of your space to determine room damage charges will be conducted by staff members of the Offices of Housing and Residence Life after you have moved out of your space. This assessment/walk-through will be conducted before any other entity/person takes occupancy of your vacated space. Although charges incurred during Check-Out are not able to be appealed through the University appeal process as detailed in this handbook, information/clarification regarding charges incurred can be obtained by contacting the Housing Office no later than twenty one (21) calendar days after the charge has been posted to your student account.

Each resident is responsible for damages beyond normal wear and tear in your own space as well as any charges assessed through the community damage charge process. This includes, but is not limited to, damage to painted walls

caused by the use/removal of adhesive products. You will be billed for any cleaning needs that result from inadequate cleaning or excess trash being left behind after moving out of your space.

**Room entry and safety inspections** will occur periodically. The University balances the right to privacy of the resident students with the responsibility to maintain a safe environment for all students and staff in the residence halls and apartments. The University will take all reasonable steps to ensure the residents of a room, Neighborhood Unit, or apartment receive adequate notice prior to entry by University personnel for the purposes of verifying occupancy, repair, inventory, construction, and/or inspection. The University also reserves the right to enter a residence room, Neighborhood Unit, or apartment without notice, for responding to real or reasonably perceived health and safety emergencies, and/or to ensure evacuation during fire alarms and/or during vacation periods. University personnel also have the right at any time to respond to situations where there is a reasonable suspicion that a violation of the law or University policies is occurring or has occurred inside a particular room. Under such circumstances, it is not necessary that the room's resident(s) be present; nor will a resident's refusal, either verbal or physical, prevent an entry or inspection. By entering into the University Housing Contract, the student consents to room entry and inspection under those circumstances indicated.

**Screens** are provided for students' comfort and safety. Removing or tampering with windows and/or window screens at any time is considered a significant safety risk and is strictly prohibited.

**Smoke-free and tobacco-free policy:** Smoking and other tobacco products are prohibited from use at all times in University facilities. This includes offices, work areas, classrooms, or residential facilities. Please refer to the Smoke-Free and Tobacco-Free Policy on "Smoke-Free and Tobacco-Free Policy" on page 63.

**Solicitation:** In order to protect students' right to privacy, and to maintain and promote efficient operations, the University has established rules applicable to all students, faculty, and staff that govern solicitation, distribution of written material, and entry into premises and work areas (staff members are directed to Staff Policy 308: Solicitation and Distribution).

Solicitation that is prohibited includes, but is not limited to, selling products or services, door-to-door collections or campaigning, flier delivery, or posting of materials in facilities owned, operated, or controlled by SCU, including kiosks, light poles, and in parking lots. Solicitors or tradespeople, including those who may be Santa Clara University students, faculty, or staff, are prohibited from entering the residence halls or apartments for the purpose of transacting business and/or campaigning and should be reported immediately to the appropriate building staff members or Campus Safety Services.

**Sports in the hall** are prohibited due to the potential danger to individuals and property, including safety equipment.

**Storage** for all personal belongings, including, but not limited to, skateboards, bikes, sports equipment, shower caddies, laundry, luggage, etc. is limited to the student's room and/or the interior common areas of the apartment or suite and should not be left in hallways or common area spaces. Items left in hallways or common areas may be disposed of. The Housing Office will dispose of all items not properly claimed at move out and assumes no responsibility for belongings left in the residence halls or apartments. The Housing Office reserves the right to remove and store possessions left after term of residency ends, at the resident's expense, if warranted.

**Thefts** should be reported to Campus Safety Services immediately. The building staff should also be notified. The University is not responsible for an individual student's belongings. Each student should insure her or his own property and keep their room doors locked.

**Trash, composting, and recycling** should be removed from your room daily to assist with cleanliness and pest control issues. These items should be taken outside and placed in the proper containers. Individual trash cannot be dumped in bathroom or lounge trash containers.

**Vandalism** refers to misuse of or damage to University property and is strictly prohibited. Vandalism detracts from the physical appearance of student living areas and may also create safety problems. Vandals will be held responsible for their actions and/or the costs of repair/replacement. Students who observe vandalism should make a report to Housing and/or Residence Life staff or Campus Safety Services.

**Weapons**, as defined in the Student Conduct Code, and including Nerf guns or other toy weapons, are not permitted in the residence hall system. Kitchen knives are permitted only in University residence hall units that are equipped with a kitchen. For community kitchen use, knives can be checked out through the service desks. Students are not permitted to bring their own kitchen knives. The University reserves the right to immediately confiscate and dispose of individually-owned knives.

Any student who violates this policy will be subject to disciplinary action and may also be subject to criminal prosecution.

**Windows:** Hanging items such as banners or posters outside windows and balconies is also prohibited, as is removing windows, unless permission from Housing and Residence Life staff is obtained in advance. Any items that face outward and are visible to the general public may not include any mention, either implied or explicit, of alcohol or drugs and must be in "good taste"

(at the discretion Housing and Residence Life staff). Items that contain material and or language that is deemed to be offensive (nudity, foul language, etc.) or degrading to others, either implicitly or explicitly, based on race, gender, religion, sexual orientation, ability, or social class must be taken down.

## **Posting Within University Residential Facilities**

Residence Life can assist student organizations and University departments maximize exposure by reaching the students in the various communities by posting digital publicity on each of the displays in every hall. Digital flyers will be displayed for a maximum of two weeks at a time

- For digital flyer submission guidelines and to upload your image refer to [www.scu.edu/living/how-do-i/advertise-my-event-within-the-residence-halls/](http://www.scu.edu/living/how-do-i/advertise-my-event-within-the-residence-halls/)
- Digital postings will only be approved for campus organizations, departments, or campus-sponsored events.
- Digital postings may not include any mention, either implied or explicit, of alcohol or drugs and must be done in “good taste” (at the discretion of the Director of Residence Life). Content that is deemed to be offensive (nudity, foul language, etc.) or degrading to others, either implicitly or explicitly, based on race, gender, religion, sexual orientation, ability, or social class will not be approved.
- All postings must meet the University’s requirements for content, including the ADA compliance statement, Speakers Policy statement, and/or contact information when appropriate. (See “Content” on page 50 for exact guidelines.)
- Hanging banners, posters, and stickers on the exterior of a residence hall or apartment is prohibited.
- Utilizing student mailboxes in residence halls for advertising is not permitted.
- Failure to follow these guidelines when submitting postings may result in the loss of posting privileges in the residence and/or disciplinary action.
- Exceptions may be made at the discretion of the Director of Residence Life.

## **Building Evacuations and Fire Safety Persons**

Violation of many of these standards is also punishable by local and state law.

### **In the Event of a Fire**

If you smell smoke or detect a fire, activate the nearest alarm and call 911 immediately from a safe location on or off campus. Before opening any door, use the back of your hand to see if it is hot. If it is hot, leave it closed and stuff wet towels or clothes in the cracks and open a window. If the door is not hot,

open it slowly and be prepared to close it quickly if necessary. Exit the building cautiously and carry a blanket or towel to protect you from flames and smoke. Do not use elevators. If you see or smell smoke in a hall or stairway, use another exit. If you have knowledge of what may have caused a building evacuation, please immediately notify University staff.

## Evacuation Alarms

Evacuation is required of all occupants of University buildings whenever an alarm is sounded. Be familiar with emergency evacuation routes from buildings in which you spend time.

Specific procedures are:

- Exit the building immediately by the proper pathway.
- Lock your door and take your ACCESS card or Mobile Credential if you are a resident and in your room at the time the alarm sounds.
- Use stairways, do not use the elevators.
- Once outside, move to your designated emergency assembly point.
- Do not return to an evacuated building until the all-clear signal is given and permission is explicitly granted by a member of the Housing and Residence Life staff or a Campus Safety Services officer.

Failure to evacuate for an alarm is a violation of city and state ordinances and will be treated as a serious violation of the Student Conduct Code.

Fire alarms and fire-safety equipment are located in each building to save lives and property. Initiating a false alarm or tampering with fire-safety equipment is a violation of University policy and Santa Clara City Ordinance Number 103.4. Violators face criminal prosecution with penalties of \$1,000 and/or six months in jail, in addition to University sanctions.

## Fire Prevention

All students must maintain an obstruction-free evacuation route to all exits. The minimum clearance of the route must be 48 inches wide.

Students must follow manufacturer guidelines when using power surge strips in order to ensure that they are not overloaded.

## Fire Safety

Occupants should follow all safety precautions, including fire safety, and report any violations they observe to their building staff as soon as possible.



# STUDENT CONDUCT SYSTEM

*The President of Santa Clara University delegates general supervision for matters of student conduct to the Vice Provost for Student Life. Specific responsibility and authority for the University Student Conduct System is assigned to the Associate Dean for Student Life. A conduct officer or the appropriate conduct board can review student disciplinary cases. The Associate Dean for Student Life or designee determines which course of action is taken based on the nature of the case.*

Conduct officers and members of conduct boards are appointed by the Vice Provost for Student Life or designee and have varying degrees of sanctioning authority. A conduct officer/board can recommend a higher level sanction to the Office of Student Life, if that conduct officer/board does not have the authority to assign it. All requests for appeal are made to the Office of Student Life, which acts on behalf of the University President.

In exceptional circumstances, the Vice Provost for Student Life may suspend the normal structure of the Student Conduct System and establish an appropriate procedure for the particular needs of the pending case.

## **University Conduct Officers and Boards**

The Student Conduct System includes the following conduct officers/boards:

### **Conduct Officers**

Conduct officers are staff members or faculty members whose job descriptions include responsibility for reviewing student conduct cases, or are appointed to be conduct officers by the Office of Student Life. The sanctioning authority of an individual conduct officer ranges from a warning, up to and including, housing contract cancellation. The sanctioning authority of the Assistant Deans, Associate Dean, and the Vice Provost for Student Life is expanded and ranges from a warning, up to and including, expulsion.

## Peer Conduct Board

The Peer Conduct Board is composed of students who are appointed as hearing officers on an annual basis by the Office of Student Life. When a Peer Conduct Board convenes to review student conduct, the board includes three to five students selected from the pool of members. The sanctioning authority of the Peer Conduct Board ranges from a warning, up to and including housing contract cancellation.

## University Discipline Council

The University Discipline Council is a board composed of students, faculty, and staff who are appointed as hearing officers on an annual basis by the Office of Student Life. When a University Discipline Council convenes to review student conduct, the board includes three students, one faculty member, and one staff member selected from the pool of members. The sanctioning authority of the University Discipline Council ranges from a warning, up to and including expulsion.

## Sexual and Gender-Based Misconduct Board

The Sexual and Gender-Based Misconduct Board is composed of faculty and staff. The sanctioning authority of the Sexual and Gender-Based Misconduct Board ranges from a warning, up to and including expulsion.

## University Board of Appeals

The University Board of Appeals conducts appellate hearings for cases when directed to do so by the Vice Provost for Student Life. The board is composed of student(s), staff, and faculty members who are conduct officers or serve as members of the University Discipline Council. The sanctioning authority of the University Board of Appeals ranges from a warning up to and including expulsion.

## Student Responsibilities and Rights

In any case of alleged misconduct, a student has the following responsibilities and rights:

1. To be notified of student responsibilities and rights.
2. To cooperate throughout the entire conduct process by meeting any deadlines, providing requested information, and abiding by any requests or instructions of the conduct officer/board.

3. To be notified at least three (3) business days prior to the hearing of the alleged violation of the Student Conduct Code and/or University standards, policies, and procedures and to be notified of the date, time, and location of the hearing.<sup>1</sup>
4. To object to the conduct officer or member(s) of the conduct board if the student believes the officer/board member cannot act in a fair and impartial manner. The student must explain the reason(s) for his/her objection. The University reserves the right to either honor or deny the request to assign a new conduct officer or conduct board member.
5. To discuss the incident and his/her alleged involvement in it, and to review the policies that were allegedly violated with the conduct officer/board.
6. To respond to information used in determining the outcome of the hearing.
7. To present pertinent information and witnesses on his/her behalf.
8. To identify witnesses on his/her own behalf and submit anticipated testimony to the conduct officer/board in advance of the hearing. It is the student's responsibility to assure witness participation in the hearing process.
9. To submit questions for the conduct officer/board to ask of the complainant or witnesses. The conduct officer/board can refuse to ask a submitted question if the conduct officer/board determines the question is irrelevant to the proceedings.
10. To be accompanied by one support person. (See "Support Person" for further explanation.)
11. To be notified in writing within five (5) business days of the outcome of the hearing. Notification could include the finding, disciplinary sanctions, or information concerning the date, time, and location of a secondary hearing in the event the case is forwarded to a different conduct officer/board.
12. To be informed of the appeal process and given the opportunity to file a request for appeal within five (5) business days of the date of the hearing outcome document. (See "Appeal Process" for further explanation.)

<sup>1</sup>*For the purpose of reducing the impact of misconduct that increases the likelihood of the spread of COVID-19, a University Hearing Officer may choose to provide a one (1) business day notice to a student alleged to have violated the Student Conduct Code and/or Residence Life & Housing policies, procedures, and standards. Additionally, the time period to file a Request for Appeal by a student who committed a violation is reduced to one (1) business day.*

## Communications With the Student Regarding the Conduct Code Matter

The Student Conduct System is an educational process. University officials communicate and engage with the student throughout the conduct process to promote student learning and so the student assumes responsibility for managing his/her own affairs. University staff interact with the student and his/her parent or guardian to the degree that it is appropriate and permissible by the Family Educational Rights and Privacy Act of 1974 (FERPA). When doing so, the intent of the interaction with the parent or guardian is to inform the parent or guardian and appropriately engage them in promoting the educational experience of the student. University staff does not interact with legal counsel who is representing a student.

## Student Conduct Hearing Procedures

### Initial Review or Hearing

1. **Incident report:** Members of the University community and nonaffiliate persons may file a report regarding the behavior of a student. If the reported information constitutes a potential violation of the Student Conduct Code and/or University standards, policies, and procedures, the University will pursue the matter through the Student Conduct System, beginning with either an initial review, or a hearing.
2. **Initial review:** The assigned University conduct officer/board reviews the report, notifies the involved student(s) of the report, gathers relevant information, and interviews any witnesses. The conduct officer/board may elect not to interview a witness who does not have first-hand knowledge of the incident, presents information that is deemed to be unnecessary for the deliberation process, or presents information about the involved student's character. After the conduct officer/board has gathered all relevant information, the conduct officer/board conducts a hearing or refers the case to another conduct officer/board.
3. **Hearing:** The assigned University conduct officer/board reviews the incident report(s) and statements presented by the complainant(s), respondent(s), and witness(es). The conduct officer/board may elect not to interview a witness who does not have first-hand knowledge of the incident, presents information that is deemed unnecessary for the deliberation process, or presents information about the involved student's character. A student is not entitled to be present for every interview related to the case that the conduct officer/board conducts. The conduct officer/board may conduct the hearing in a student's absence if the student does

not report for a scheduled hearing, or if the student does not set an appointment for a hearing as directed. In some circumstances, the hearing process may take place over multiple meetings on multiple days.

4. **Burden and standard of proof:** The student responding to the reported allegation is presumed not to have violated the Student Conduct Code. The standard for determining a violation of the Student Conduct Code is preponderance of evidence. There must be persuasive information to establish that the involved student(s) “more likely than not” violated the Student Conduct Code.
5. **Deliberation:** The conduct officer/board may deliberate in private. Sanctioning for a Student Conduct Code violation is based upon the nature of the determined violation and any previous violations of the Student Conduct Code.
6. **Notice of outcome:** The conduct officer/board notifies the student of the hearing outcome in writing no later than five (5) business days after the conclusion of the hearing. The conduct officer/board must notify the student of the option to file a request for appeal. (See “Appeal Process” for further explanation.)

### Victims of Crimes of Violence and Non-forcible Sex Offenses

Upon written request, the alleged victim of any crime of violence or non-forcible sex offense will be informed of the results of the University disciplinary proceedings against the student who is alleged to have committed the crime. A crime of violence includes arson, assault offenses, burglary, robbery, kidnapping/abduction, forcible sex offense, criminal homicide (manslaughter by negligence, murder, and non-negligent manslaughter), and destruction, damage, and vandalism of property.

### No Contact Directive

In instances such as, though not limited to, a serious dispute involving a student, concern for the safety of a person due to the alleged actions of a student, or a conduct code allegation by a person against a student, the Office of Student Life reserves the right to institute a No Contact Directive to a student. This action is taken for the purpose of protecting individuals and to minimize the chance that a dispute between persons will escalate in the process of the matter being addressed by the Office of Student Life.

A No Contact Directive is an official notice to a student that he/she is not permitted to have any type of contact with an identified person(s). This includes, but is not limited to, person-to-person contact, contact through a third party, and contact by way of mail, email, telephone, voice mail, text messaging, etc. A student who violates a No Contact Directive is subject to disciplinary action by the Office of Student Life.

A No Contact Directive can be issued at the discretion of the Office of Student Life outside of the context of the Student Conduct System procedures, or as a sanction at the conclusion of a hearing for a defined period of time.

### Support Person

The support person must be a member of the Santa Clara University community who is a current faculty or staff member, or a currently enrolled student. Parents or guardians who are members of the University community are not permitted to act as a support person for cases involving their own son or daughter. A student who is represented by legal counsel is not permitted to have the legal counsel be his/her support person. A witness is not permitted to serve as a support person.

The role of the support person is to provide emotional support during the hearing. A support person may not review any documents related to a conduct case or present information during the hearing on behalf of the student. If a support person is disruptive to the hearing process, the conduct officer/board may dismiss the support person. In such cases, and only if it is determined reasonable to do so, the student may be given an opportunity to identify a new support person.

### Appeal Process

1. The outcome of a hearing is subject to one request for appeal. An appeal will be granted only if one or more of the following criteria is met:
  - A. The disciplinary action appears to be grossly disproportionate to the conduct infraction.
  - B. The procedures provided for in the Student Handbook were not followed in the hearing.
  - C. New relevant information is available that was not available at the time of the hearing.
  - D. The decision is not supported by substantial information.

2. The online request for appeal form, [https://cm.maxient.com/reportingform.php?SantaClaraUniv&layout\\_id=4](https://cm.maxient.com/reportingform.php?SantaClaraUniv&layout_id=4), must be completed by the student and returned to the Office of Student Life within five (5) business days of the date on the hearing summary. The request for appeal must include answers to the questions on the form, in accordance with the criteria described in No. 1 above.<sup>2</sup>
3. The request for appeal, along with other pertinent information, is reviewed by the designated appeal officer to determine the validity of the request for appeal in accordance with the criteria described in No. 1 above.  
**In general, a request for appeal is granted only when there is a preponderance of evidence that a procedural or substantive error occurred at the original hearing that effectively denied the student a fair and reasonable hearing.**
4. The student must be informed of the decision pertaining to the request for appeal within five (5) business days of submitting the request. In exceptional circumstances, the five (5) business days notification requirement may be extended to allow adequate consideration of the request for appeal. If this is the case, the student is notified.
5. If the request for appeal is granted, the case may be referred back to the original conduct officer or board, a new conduct officer (who could be the appeal officer), or a new conduct board. The appeal officer may also modify the sanction(s) without granting a second hearing.
6. All appellate hearings are conducted in accordance with the general student rights and other Student Conduct System procedures outlined in the Student Handbook.
7. A request for appeal may only be filed one time. If a request for appeal is denied, a second appeal cannot be filed. If a request for appeal is granted, the outcome of any subsequent proceeding may not be appealed.

<sup>2</sup>*For the purpose of reducing the impact of misconduct that increases the likelihood of the spread of COVID-19, a University Hearing Officer may choose to provide a one (1) business day notice to a student alleged to have violated the Student Conduct Code and/or Residence Life & Housing policies, procedures, and standards. Additionally, the time period to file a Request for Appeal by a student who committed a violation is reduced to one (1) business day.*

## Procedures for Reviewing Allegations of Discrimination, Harassment, and Sexual Misconduct

The procedures for reporting, investigating, and reviewing allegations of discrimination, harassment, and sexual misconduct are addressed in the University's Nondiscrimination, Harassment, and Sexual Misconduct Policy. This information is available at the Office of Equal Opportunity & Title IX and at <https://www.scu.edu/title-ix/policies-reports/>.

### Disciplinary Actions

The following sanctions are official University disciplinary actions that may be taken as a result of any conduct hearing. Sanctions include, but are not limited to those listed below. Violations of national, state, or local laws subject a student not only to University disciplinary action but also to action by the appropriate court of law.

1. **Warning:** Official notification that certain conduct or actions are in violation of University regulations and that continuation of such conduct or actions may result in further disciplinary action.
2. **Educational sanctions:** Preparation and presentation of a program, preparation of a bulletin board, assigned reading and response paper, attending an alcohol education program, counseling, and/or other educational activities.
3. **Contributed service:** Contribution of service to the University or a designated community agency consistent with the offense committed.
4. **Restitution:** Reimbursement by transfer of property or services to the University or a member of the University community in an amount not in excess of the damages or loss incurred.
5. **Fines:** Financial assessment not to exceed \$500.
6. **Loss of privileges:**
  - A. Limitation on University-related services and activities for a specified period of time, which is consistent with the offense committed; including, but not limited to, ineligibility to serve as an officer or member of any University organization, to participate in intercollegiate competition, to receive any award from the University, or to participate in graduation-related ceremonies.
  - B. Residence hall relocation, housing contract probation, or housing contract cancellation. Housing contract cancellation will result in being placed on disciplinary probation by the Office of Student Life.

- C. Restriction from using specific University facilities and services (including parking facilities).
  - D. Denial of the on-campus use of a vehicle.
7. **No Contact Directive:** An official notice to a student that he/she is not permitted to have any type of contact with an identified person(s). This includes, but is not limited to, person-to-person contact, contact through a third party, and contact by way of mail, email, telephone, voice mail, text messaging, etc.
  8. **Disciplinary probation:** A specified period of observation and review of behavior, including terms appropriate to the offense committed, during which the student must demonstrate compliance with University regulations and the terms of the probationary period and is ineligible to serve in leadership positions in University co-curricular activities. (Refer to “Eligibility Policy.”)
  9. **Deferred suspension:** A specified period of observation and review of behavior, including terms appropriate to the offense committed, during which time the student is ineligible to participate in University co-curricular activities. (Refer to “Eligibility Policy.”) If an additional violation of University regulations occurs while on deferred suspension, the student is subject to an extension of this status, suspension, or expulsion, depending upon the nature and severity of the violation.
  10. **Interim suspension:** In exceptional circumstances, the Vice Provost for Student Life may suspend a student or take other disciplinary action pending the hearing, especially in matters of safety or for the good of the community.
  11. **Suspension:** Exclusion from the University for a specific period of time after which application may be made for readmission.
  12. **Expulsion:** Permanent exclusion from the University.

### Minimum Student Conduct Hearing Outcomes for Alcohol, Marijuana, and Other Drug Violations

This policy identifies the minimum standard for student conduct hearing outcomes for alcohol, marijuana, and other drug violations in accordance with the Student Conduct Code, University Alcohol Policy, and Alcohol and Other Drug Policy Within University Housing. The University reserves the right to apply these hearing outcomes for student misconduct that takes place on-campus, in campus operated facilities, in public or at non-affiliated properties.

## Alcohol, Marijuana, and Other Drugs

The phrase “alcohol, marijuana, and other drugs” broadly includes, without limitation, any stimulant, intoxicant, nervous system depressant, hallucinogen, or other chemical substance, compound or combination when used to induce an altered state, including any otherwise lawfully available product used for any purpose other than its intended use (e.g., the misuse of prescription drugs, over the counter drugs, or household products).

The operational definitions of the words alcohol, marijuana, and other drugs are:

**Alcohol:** Intoxicating beverages such as beer, wine, and liquor.

**Marijuana (aka Cannabis):** Comes from the dried flowering tops, leaves, stems, and seeds of the *Cannabis sativa* (hemp) plant.

### **Other Drugs:**

**Illicit Drugs:** Cocaine, heroin, ecstasy (MDMA), amphetamines, methamphetamines, hallucinogens (i.e. LSD, psilocybin mushrooms), and similar substances that are considered to be illicit drugs.

**Misuse of Prescription Drugs:** Misuse of prescription drugs, including opiates/pain-killers (i.e. morphine, oxycodone), stimulants (i.e. Ritalin), sedative-hypnotics (i.e. barbiturates, anxiolytics) and other psychoactive drugs is prohibited. This includes taking medication that is not prescribed to you, taking more than the prescribed dose of medication, or taking prescription medication for a reason other than the intended use (i.e. to produce a “high”)

## **Adherence to Local, State, and Federal Laws**

Santa Clara University adheres to local, state, and federal laws pertaining to alcohol, marijuana (including its various forms), and other drugs, and requires all University community members to follow local, state, and federal guidelines, laws, and regulations. In instances that may be in violation of local, state, or federal law, the University reserves the right to report such cases to law enforcement.

## **Alcohol, Marijuana, and Other Drug Programs and Services**

The Wellness Center and Cowell Center — Health and Counseling Services provide programs and support for students who are struggling with their use of alcohol, marijuana, and other drugs. These offices can also refer students to non-affiliated counseling and treatment facilities.

## **Cumulative Nature of Alcohol, Marijuana, and Other Drug Violations**

Through the University conduct process, hearing officers and hearing boards determine outcomes for student conduct hearings. When doing so, they take into account the nature of the violation and any previous violations of the Student Conduct Code.

When determining the hearing outcome for an alcohol, marijuana, and other drug violation, the University uses an 18 month timeline to identify if a violation is a first, second, third, etc. violation. That is, if 18 months pass from the date of the previous alcohol, marijuana, or other drug violation without the student being found responsible for an additional alcohol, marijuana, or other drug violation then the outcome for an additional violation will be considered the same category as the previous violation. For example, if a student is found responsible for a first alcohol violation in October of their first year on campus and is found responsible for a second alcohol violation during May of their third year on campus, the violation will be considered a first violation because 21 months passed between each violation. It will not be considered a second violation unless the details of the violation are deemed egregious or serious enough to warrant an elevated response from the University.

Through the conduct process, Santa Clara University takes into account the student's whole behavior related to the Student Conduct Code. As such, repeated violations of the Student Conduct Code, even if those violations may appear disparate in specific details, will result in an elevated response from the University. Santa Clara University responds to violations of the Student Conduct Code related to alcohol, marijuana, or other drugs using a matrix of impact and occurrence.

## **Stages of Alcohol, Marijuana and/or Other Drug Violations at Santa Clara University**

Santa Clara University recognizes that students are emerging adults and are thus equipped to make their own decisions. At times, these decisions may be incongruent with University expectations and providing for the health, safety, and welfare of individuals. Santa Clara University distinguishes behavior surrounding alcohol, marijuana, and other drugs across the following categories in relation to potential impact to self, others, and property: A, B, and C. Santa Clara University reserves the right to refer violations surrounding controlled substances to local, state, or federal authorities.

It is up to the discretion of the University hearing officer or board to determine the category and outcomes for multiple violations in different categories.

<b>Category</b>	<b>Description</b>
<i>A</i>	Any behavior that is deemed as having low impact to self, others, and property. Low impact refers to situations in which a student is in the presence of prohibited activities (such as activities involving alcohol, marijuana, or other drug use) but is not participating in the behavior.
<i>B</i>	Any behavior that is deemed as having moderate impact to self, others, and property. Moderate impact refers to a student's participation in prohibited activities and/or behavior involving alcohol, marijuana, and other drug use and the impact of the behavior is primarily limited to the misuse of the substance.
<i>C</i>	Any behavior that is deemed as having high impact on the individual, others, and property. High impact refers to excessive consumption, and/or distribution (including hosting or facilitating a gathering of others) of alcohol, marijuana, or other drugs or accompanying misconduct that is illegal and/or prohibited by the University, and is deemed by the hearing officer or hearing board to be severe in nature due to the scope and magnitude of the impact to self, others, and property (such as, though not limited to: the number of students involved, disruptive behavior, vandalism, threat of harm, incurred physical harm).

### **Gatherings Resulting in Alcohol, Marijuana, and Other Drug Violations**

Students found responsible for hosting a gathering involving the illegal and/or University prohibited use of alcohol or marijuana, or for participating in such behavior in public areas will likely be considered a Category C violation. Violations involving controlled substances other than marijuana will be a Category C violation.

### **Falsification of Identification for the Procurement of Alcohol or Marijuana**

The possession, procurement, or distribution of falsified United States federal or state government identification documents ("fake ID"), or altering, falsifying, forging, duplicating, or reproducing United States federal or state government identification documents is a serious legal offense and constitutes a crime in the state of California. Students found with falsified identification documents are in violation of the Student Conduct Code and will be subject to outcomes as determined by the hearing officer or hearing board.

## Alcohol

### **Excessive and Inappropriate Possession and Use of Alcohol**

Regardless of a person's age, Santa Clara University, prohibits the excessive and inappropriate use of alcoholic beverages (See Student Conduct Code, item 18). Excessive and inappropriate use is inclusive of, though not limited to, the amount of alcohol in a student's possession, the amount consumed, and how a student consumes the alcohol.

### **Amount in Possession**

Examples of excessive and inappropriate possession of alcohol include, but are not limited to: establishment of a private bar, storage of excessive quantities of alcohol, or possession and/or use of a tap or keg, kegerators, beer bongs, or other equipment for the sole use of consuming alcohol. Excessive possession of alcohol is prohibited on campus premises and in campus-owned facilities, including but not limited to residential facilities.

### **Amount Consumed**

The Centers for Disease Control and Prevention (CDC) and the Dietary Guidelines for Americans define standard drink sizes and moderate and excessive drinking as it pertains to alcohol consumption.

*Standard drinks* are defined as: one 12-ounce beer, one 8-ounce serving of malt liquor, one 5-ounce glass of wine, or one 1.5-ounce shot of distilled spirits.

*Moderate drinking* is defined as no more than 1 drink per day for women (not to exceed 7 drinks in a week) and no more than 2 drinks per day for men (1 drink per hour and not to exceed 14 drinks in a week).

*Excessive drinking* includes binge drinking, heavy drinking, any drinking by people younger than age 21, and drinking by anyone who is currently taking prescription or over-the-counter medications.

*Binge drinking is defined by:*      *Heavy drinking is defined by:*

<i>Women</i>	4 or more drinks in a single occasion	8 or more drinks per week
<i>Men</i>	5 or more drinks during a single occasion	15 or more drinks per week

### **Nature of Consumption (Drinking Games)**

Santa Clara University prohibits drinking practices, including drinking games, that encourage participants to consume alcohol or promote intoxication, and any paraphernalia that supports such activity. Whether or not alcohol is present, drinking games are prohibited. Playing drinking games or participating in activities that promote excessive consumption are prohibited in any campus facility and on campus property, including but not limited to residential housing facilities. Drinking games are incongruent with the University's mission to promote a healthy learning environment for students. Examples of drinking games include, but are not limited to: beer pong, flip cup, king's cup, and beer die.

Schedule of Minimum Hearing Outcomes Related to Alcohol Violations

<b>Category</b>	<b>1st violation</b>	<b>2nd violation</b>	<b>3rd violation*</b>
<i>A</i>	1. Monetary fine \$50	1. Monetary fine \$75 2. Parental notification	1. Becomes Category B violation
<i>B</i>	1. Monetary fine \$50 2. Parental notification 3. Educational outcome	1. Monetary fine \$75 2. Parental notification 3. Alcohol educational program 4. Housing contract probation	1. Monetary fine \$100 2. Parental notification 3. Alcohol education program 4. Housing contract cancellation 5. Disciplinary probation
<i>C</i>	1. Monetary fine \$100 2. Parental notification 3. Alcohol educational program 4. Housing contract probation	1. Monetary fine \$200 2. Parental notification 3. Alcohol educational program 4. Housing contract cancellation 5. Disciplinary probation	1. The full range of hearing outcomes (through expulsion from the University)
<p><i>It is up to the discretion of the University hearing officer or hearing board to determine the category and outcomes for multiple violations in different categories.</i></p>			
<p><i>*Any subsequent violation outcomes will be at the discretion of the hearing officer or hearing board.</i></p>			

## Marijuana and Other Drugs

### **Marijuana and Other Drugs: Possession and/or Consumption**

Santa Clara University adheres to local, state, and federal laws surrounding marijuana (including its various forms) and requires community members to follow local, state, and federal guidelines, laws, and regulations related to marijuana. In order to remain in compliance with federal law, Santa Clara University prohibits the possession, consumption, and/or distribution of marijuana (including its various forms) by Santa Clara University community members. For more information, refer to the Marijuana Policy, and the Smoke-Free and Tobacco-Free Policy in the Student Handbook.

## Schedule of Minimum Hearing Outcomes Related to Marijuana and Other Drug Violations

*Categories A, B, or C apply to marijuana hearing outcomes.*

*The prohibited use of controlled drugs other than marijuana will minimally result in the administration of a Category C hearing outcome.*

Category	1st Violation	2nd Violation	3rd Violation*
A	1. Monetary fine \$50	1. Monetary fine \$75 2. Parental notification	1. Becomes Category B violation
B	1. Monetary fine \$50 2. Parental notification 3. Educational outcome	1. Monetary fine \$75 2. Parental notification 3. Marijuana or other drug educational program 4. Housing contract probation	1. Monetary fine \$100 2. Parental notification 3. Marijuana or other drug education program 4. Housing contract cancellation 5. Disciplinary probation
C	1. Monetary fine \$100 2. Parental notification 3. Marijuana or other drug educational program 4. Housing contract probation	1. Monetary fine \$200 2. Parental notification 3. Marijuana or other drug educational program 4. Housing contract cancellation 5. Disciplinary probation	1. The full range of hearing outcomes (through expulsion from the University) may be implemented.

*It is up to the discretion of the University hearing officer or hearing board to determine the category and outcomes for multiple violations in different categories.*

*\*Any subsequent violation outcomes will be at the discretion of the hearing officer or board.*

## Compliance with Hearing Outcome

Students must comply with all assigned outcomes by the deadline set forth in the hearing outcome letter. Failure to complete or comply with any assigned outcome or failure to meet an assigned deadline (if applicable) may result in further disciplinary action including, but not limited to, a \$150 late fee and/or placing a Registration Hold on a student's University account preventing the student from registering or adding a course until the assigned outcome(s) is completed.

## Administrative Sanctions

The administrative sanction gives official notice that a procedural violation has occurred and will advise the student on how the situation is to be corrected.

## Disciplinary Disqualification of University Financial Aid

Financial aid may be contingent upon a student remaining in good conduct standing within the University. If a student faces significant disciplinary matters, is placed on disciplinary probation, deferred suspension, or is suspended, the financial aid arrangement is subject to review. The review may be initiated by either the Office of Student Life or the Office of Financial Aid.

A student who is placed on disciplinary probation for the first time will continue to remain eligible for federal financial aid unless otherwise prohibited by federal, state, or University regulations. If within two years of being placed on disciplinary probation, a student is placed on suspension, deferred suspension, or probation (a second time), the student will automatically lose all eligibility for institutional aid effective the date the suspension, deferred suspension, or second probation is imposed.

## Student Conduct Records Policy

The Office of Student Life maintains a hard copy file and a digital record of a student's conduct history. Conduct records are educational records, and are thereby subject to the Family Educational Rights and Privacy Act (FERPA) and the University's Student Records Policy.

The conduct record is confidential and is only shared internally with University officials, in instances when the student grants permission to release the record, or there is what FERPA defines “an educational need to know” basis for the request. The conduct record is maintained throughout the student’s enrollment and thereafter, as indicated below. A student’s conduct record will only be released from the hard copy file to a person or party external to the University, if the student has granted permission, where the disclosure of the record is permissible under the provisions of FERPA, or where the University is required to do so by law. The digital copy of the conduct record will only be released to an external person or party where the University is required to do so by law.

### Retention of Hard Copy of Conduct Records

1. The hard copy file of a student’s entire conduct history is kept for a minimum of one (1) academic year beyond the academic year in which the date of the last violation of the Student Conduct Code occurred. When a student commits a violation of academic integrity, the hard copy file is retained for the remainder of a student’s academic career.
2. The files of any student who has received one or more of the following sanctions will be maintained for three (3) academic years beyond the academic year in which the student’s tenure in his/her current degree program at the University has ended:
  - A. Removal from University housing
  - B. Disciplinary probation
  - C. Deferred suspension
  - D. Suspension
3. The conduct record of a student who has been expelled will be maintained for seven (7) years beyond the academic year in which the student’s tenure at the University has ended.

The University reserves the right to change this policy at any time at its sole discretion.



**Santa Clara  
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