



# Mount Saint Mary College

# **STUDENT HANDBOOK**

2023-24



The information contained in the 2023-24 edition of the Student Handbook supersedes all previous editions. Students are expected to be knowledgeable about all college procedures, policies and regulations. This handbook and the procedures, policies and regulations set forth in it are periodically reviewed and changed by the College, in its sole discretion. The handbook does not constitute a contract or agreement but, rather, a resource and guide for students. Changes in procedures, policies and regulations will be communicated to the college community in writing by the appropriate college representative and such notification will be considered as addenda to the Student Handbook.

REVISED JANUARY 2024

# TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
INTRODUCTION.....	8
NOTICE OF NON-DISCRIMINATION.....	9
A MESSAGE FROM THE VICE PRESIDENT FOR STUDENTS.....	10
MOUNT SAINT MARY COLLEGE MISSION AND HISTORY.....	11
History.....	11
Preamble to the Mission Statement.....	11
Mission.....	11
Mount Saint Mary College Vision.....	11
A Knight Lives the Golden Rule.....	11
COVID-19 PUBLIC HEALTH POLICY.....	13
STUDENT JUDICIAL CODE/CODE OF CONDUCT.....	15
Preamble.....	15
Who must abide by the code?.....	15
Where and When Does the Code Apply?.....	15
Authority.....	16
What are Students' Responsibilities with Respect to the Code?.....	16
When are Violations of the Law also Violations of the Code?.....	16
How Does the College Treat Attempted Code Violations?.....	16
Can the College ever be a Complainant?.....	16
Can the judicial process occur virtually if one or more participants CANNOT attend in person?.....	16
What will the College Do in the Event of False Reporting of Code Violations?.....	17
What Happens in the Case of Group Violations?.....	17
What Types of Conduct Does the Code Prohibit?.....	17
Sanctions.....	19
Parental Notification.....	20
How May Allegations of a Code Violation Be Reported?.....	21
Are All Complaints of Code Violations Subject to the Judicial Code?.....	22
What Happens When an Incident Report is Received? How is an Investigation Conducted?.....	22
When Can an Interim Suspension or No Trespass Order Be Implemented?.....	22
In What Circumstances Can a No Contact Order Be Implemented?.....	23
What Kind of Notice Will the Accused Receive Regarding a Complaint?.....	23
THE STUDENT CONDUCT CONFERENCE.....	24
What Happens at a Student Conduct Conference?.....	24
How May a Student Appeal a Decision Made at the Student Conduct Conference?.....	24
THE STUDENT CONDUCT HEARING.....	26
What Kind of Notice of the Student Conduct Hearing Does an Accused Receive?.....	26
What Happens at a Student Conduct Hearing?.....	26
How Will the Accused Be Notified of the Outcome of the Student Conduct Hearing?.....	27

How Will Students Who Alleged Code Violations Be Notified of Outcomes? .....	28
<b>Student Conduct Hearing Appeal Procedures .....</b>	<b>28</b>
Can an Accused Student Appeal a Student Conduct Hearing Decision? .....	28
How Can a Student File an Appeal of a Student Conduct Hearing Decision?.....	29
<b>STUDENT DRUG AND ALCOHOL POLICY .....</b>	<b>30</b>
<b>SECTION I. Alcohol .....</b>	<b>30</b>
A. Regulations.....	30
B. Enforcement.....	31
C. Sanctions.....	31
<b>SECTION II. Other Drugs .....</b>	<b>33</b>
A. Regulations.....	33
B. Enforcement.....	33
C. Sanctions.....	33
<b>SECTION III. Other Alcohol and Drug Information .....</b>	<b>34</b>
1. Prohibited Sales.....	34
2. Procuring alcohol for persons under the age of twenty-one years.....	35
3. Dram Shop Liability.....	35
4. Social Host Liability.....	35
<b>SECTION IV. Unlawful Consumption of Alcohol by Minor on Premises .....</b>	<b>35</b>
<b>SECTION V. Penalties .....</b>	<b>35</b>
1. Using False Identification (ID).....	36
2. Unlawful possession of an alcoholic beverage.....	36
3. Unlawful and criminal possession .....	36
4. Sale of Marijuana.....	37
5. Health Risks Associated with Alcohol.....	38
6. Regional Alcohol and Drug Abuse Resources.....	38
<b>COLLEGE POLICIES.....</b>	<b>41</b>
Poster Policy.....	41
Good Neighbor Policy.....	41
Classroom/Laboratory Policy.....	42
Off-Campus Social Events Policy.....	42
Credit Card Solicitation .....	42
Discrimination And Harassment Policy.....	42
Service Animal Policy.....	43
Emotional Support Animal Policy .....	44
<b>LEAVE OF ABSENCE POLICIES.....</b>	<b>44</b>
Medical Leave of Absence Policy .....	45
Medical Amnesty Policy.....	48
Preferred Name Policy.....	49
Tobacco-Free Environment Policy.....	49

Technology Acceptable Use Policy.....	50
College Policy Regarding Use of Copyrighted Materials .....	50
<b>ACADEMIC POLICIES.....</b>	<b>51</b>
Add/Drop Policy.....	51
Withdrawal From a Course.....	52
Withdrawal From the College.....	52
<b>HOUSING POLICIES.....</b>	<b>53</b>
Room Search, Vehicle Search, and Confiscation Policy.....	53
Guests And Visitation Policy.....	53
Lofting, Bunking, And Bed Raising Policy.....	56
Triple Room Discount Policy.....	58
<b>SEXUAL MISCONDUCT AND TITLE IX GRIEVANCE POLICY .....</b>	<b>59</b>
1. Purpose .....	59
2. Policy .....	59
Nondiscrimination Statement.....	60
Disability Accommodations.....	61
Multi-Party Situations.....	61
3. Definitions of Prohibited Conduct Under This Policy.....	61
4. Definitions and Terms Related to This Policy .....	66
5. Grievance Process for Reporting Prohibited Conduct Under This Policy.....	67
6. Confidential Resources.....	70
7. Supportive Measures.....	72
8. Formal Complaint Filing .....	74
9. Informal Resolution.....	75
10. Investigation Process .....	76
11. Hearing Procedures.....	79
12. Sanctions.....	83
13. Transcript Notations.....	86
14. Withdrawal, Graduation, Or Resignation While Charges Pending .....	86
15. Appeals.....	86
16. Application to College Employees, Including Faculty and Staff .....	88
17. False Claims .....	88
18. Retaliation.....	88
ADDENDUM 'A' - STUDENTS' BILL OF RIGHTS.....	88
ADDENDUM 'B' - CODE OF DECORUM FOR ADVISORS .....	89
<b>MOTOR VEHICLE REGULATIONS.....</b>	<b>92</b>
Introduction.....	92
Online Vehicle Registration .....	92
Regulations .....	93
Campus Parking Lot Designation .....	95

Enforcement .....	95
Vehicle Immobilization (Booting) & Towing.....	96
Appeals .....	97
Stranded Vehicle Assistance.....	97
Security Escorts .....	97
Handicap Permit Holders.....	97
Transportation Alternatives.....	98
Etiquette .....	98
Safety Tips.....	98
Policy On Exemptions for Freshmen Resident Parking Permits .....	99
<b>STUDENT AFFAIRS.....</b>	<b>100</b>
<b>ATHLETICS &amp; RECREATION.....</b>	<b>100</b>
<b>CAMPUS MINISTRY.....</b>	<b>100</b>
<b>OFFICE OF STUDENT SUCCESS AND ADVISING.....</b>	<b>101</b>
<b>STUDENT ENGAGEMENT OFFICE.....</b>	<b>102</b>
<b>DINING SERVICES.....</b>	<b>104</b>
<b>RESIDENCE LIFE.....</b>	<b>104</b>
Residence Life Staff and General Information.....	104
A. Residence Facilities.....	104
B. Housing Requirements .....	105
Housing Disability Accommodation Requests .....	105
C. Fire Regulations.....	106
D. Building Safety .....	107
E. Personal Safety .....	107
F. Prohibited items - The below noted items are prohibited:.....	107
G. Housing Assignments and Room Changes.....	107
H. Breaks and Closings.....	107
I. Noise Guidelines.....	108
J. Social Gatherings.....	108
K. Room Entry by College Officials .....	108
L. Resident Student Conduct.....	108
M. Agreement for Housing & Food Services.....	108
N. Housing Agreement Appeal Board.....	108
<b>STUDENT WELLNESS CENTER.....</b>	<b>109</b>
Health Services .....	109
Counseling.....	111
Disability Services.....	113
<b>ASSESSMENT AND CARE TEAM (ACT).....</b>	<b>116</b>
<b>CAREER DEVELOPMENT.....</b>	<b>116</b>
<b>THE OFFICE OF DIVERSITY, EQUITY, &amp; INCLUSION.....</b>	<b>117</b>

STUDENT FINANCIAL SERVICES.....	117
INFORMATION TECHNOLOGY RESOURCES.....	124
ACADEMIC AFFAIRS.....	128
Basic Rights and Responsibilities.....	128
Campus Expression.....	128
REGISTRAR.....	128
THE LIBRARY.....	128
THE WRITING CENTER.....	129
ARTHUR O. EVE HIGHER EDUCATION OPPORTUNITY PROGRAM (HEOP).....	130
COLLEGIATE SCIENCE AND TECHNOLOGY ENTRY PROGRAM (CSTEP).....	130
FIRST-YEAR EXPERIENCE PROGRAM.....	130
Academic Honesty.....	131
Attendance.....	133
Classroom Conduct.....	133
Academic Standing.....	134
Academic Warning.....	134
Academic Probation.....	134
Academic Dismissal.....	135
POLICIES ON GRADES/RECORDS.....	136
Grading.....	136
Pass/Fail Policy.....	136
Incomplete Grade Policy.....	137
Repeating A Course.....	137
Evaluation.....	137
Grade Appeal.....	137
HONORS AND AWARDS.....	138
Honors Program.....	138
Honor Societies.....	140
STUDENT AFFAIRS AWARDS.....	142
DIGITAL AND ONLINE LEARNING.....	143
ADDITIONAL SERVICES AND FACILITIES.....	149
ALUMNI AFFAIRS.....	149
CAMPUS STORE.....	149
CLOSINGS.....	149
EMERGENCY RESPONSE PLAN.....	149
HUDSON HALL.....	149
IDENTIFICATION CARDS.....	150
LOST AND FOUND.....	150
MASTER CALENDAR.....	150
ROOM RESERVATIONS.....	150

<b>SECURITY &amp; SAFETY</b> .....	150
<b>MSMC EMERGENCY ALERT NOTIFICATION SYSTEM (MSMC ALERT)</b> .....	150
<b>STUDENT MAIL</b> .....	151
<b>SOURCES OF INFORMATION</b> .....	151
<b>Student Affairs Office</b> .....	151
<b>Media Services</b> .....	151
<b>Catalogs</b> .....	151
<b>Bulletin Boards</b> .....	151
<b>CAMPUS DIRECTORY</b> .....	152

## INTRODUCTION:

The Mount Saint Mary College Student Handbook is a resource and guide to College operations, policies, guidelines, terms, conditions and regulations. The handbook supplements the College's catalog as a source of additional information about Mount Saint Mary College. It is not intended to serve as a complete source of College requirements and policies, and it does not contain a complete listing of all programs and services. Students enrolled at Mount Saint Mary College agree to comply with the College's rules and regulations. While every effort is made to provide accurate and current information, the College reserves the right to change, without notice, statements in Mount Saint Mary College concerning rules, policies, fees, curricula, courses, calendar and other matters. The College's rules, policies and other matters stated in this edition of the Student Handbook supersede all prior rules, policies, procedures, terms, conditions, guidelines and services. Documents generated by student organizations should be in accordance with College policies and regulations. In the event that a conflict exists between College policies and regulations and a student-generated document, the College policies, rules, guidelines, regulations, terms and conditions shall govern. Mount Saint Mary College reserves the right to change the tuition, fees, room-and-board costs, rules governing admission, occupancy of the residential facilities, granting of degrees, and any other regulation, rule, term, condition, policy or guideline that may affect students. Such changes take effect whenever Mount Saint Mary College authorities deem necessary. Mount Saint Mary College also reserves the right to exclude at any time students whose academic record is unsatisfactory or whose conduct is found to be detrimental to the College community.

# NOTICE OF NON-DISCRIMINATION

In accordance with its obligations pursuant to Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973 and other federal, state and local laws, Mount Saint Mary College does not discriminate on the basis of race, color, sex, disability, age, religion, creed, national or ethnic origin, sexual orientation, military status, marital status, and gender identity or expression or any other characteristic or classification protected by federal, state or local law, in the administration of any of the College's educational programs or activities, admissions policies, athletics or other school administered programs, scholarship or loan programs.

Pursuant to, and consistent with its obligations under Title IX, the College does not discriminate on the basis of sex, and prohibits sexual harassment, sexual misconduct and sexual violence, in connection with any of its educational programs, activities or employment practices.

Mount Saint Mary College has designated a Title IX Coordinator, who is primarily responsible for coordinating the College's compliance with Title IX and other federal, state and local laws relating to sex-based discrimination, as well as handling inquiries and questions regarding the College's non-discrimination policies. The College's Title IX Coordinator is also responsible for overseeing the school's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. Mount Saint Mary College's Title IX Coordinator(s) and Section 504 Compliance Officer are:

**Title IX Coordinator:** Matthew Byrne, Executive Director of Operations and Risk Management, Garden Apartment (GA) 1 room 205, 845-569-3597, [titleixcoordinator@msmc.edu](mailto:titleixcoordinator@msmc.edu)

**Deputy Title IX Coordinator:** Margaret Kemp, Director of Disability Services, Aquinas Hall, room 100 C-2, 845-569-3638, [Margaret.Kemp@msmc.edu](mailto:Margaret.Kemp@msmc.edu)

**Section 504 Compliance Officer:** Margaret Kemp, Director of Disability Service, Aquinas Hall room 100 C-2, 845-569-3638, [Margaret.Kemp@msmc.edu](mailto:Margaret.Kemp@msmc.edu)

Inquiries or questions regarding the application of Title IX may also be directed to:

**United States Department of Education**

**Office for Civil Rights, New York Office**

**32 Old Slip, 26<sup>th</sup> Floor**

**New York, New York 10005-2500**

**646-428-3900**

**OCR.NewYork@ed.gov**

## A MESSAGE FROM THE VICE PRESIDENT FOR STUDENTS

Dear Mount Students,

Welcome to Mount Saint Mary College for the 2023-24 academic year! I encourage you to become an active participant in the MSMC campus community.

Student Affairs at the Mount seeks to engage students in experiences that broaden the mind, strengthen the body and inspire the spirit. We encourage you to participate in student organizations, service learning, campus activities, community service, recreation, and leadership development.

We encourage student development through facilitating interactions among students, faculty and staff, with the goal of promoting an inclusive campus culture. I invite you to become engaged and take advantage of the many opportunities the Mount has to offer you. My personal goal is to provide you with a variety of opportunities to grow intellectually, personally, socially, and spiritually, so that you feel like a vital and valued member of the campus community.

I look forward to seeing you throughout the year; please do not hesitate to contact me if I can be of any support to you.

Sincerely,



**Vice President for Students**

# MOUNT SAINT MARY COLLEGE MISSION AND HISTORY

## History

The Dominican Sisters of Newburgh founded Mount Saint Mary College in 1959, but the Sisters had established an academic presence in Newburgh since 1883 with Mount Saint Mary Academy. The College grew out of the Dominican Sisters' school for teacher training, founded in 1930. Since opening its doors in 1959, the College's goals have been the pursuit and dissemination of truth and the development of the capacity to discern and use it.

Mount Saint Mary College maintains a firm belief in the value of a liberal arts education and a commitment to the Judeo-Christian traditions upon which it was founded. It retains the spirit of the intellectual, cultural, ethical, spiritual, and social philosophies of its founders.

The College remains on sound footing, supported by meaningful academic programs, prudent fiscal management, and a commitment to serving the Hudson Valley. Mount Saint Mary College has a respected position in the region.

## Preamble to the Mission Statement

Mount Saint Mary College is an institution of higher education guided by the Catholic and Dominican traditions of academic rigor, pursuit of truth, social justice, leadership, and service. The College Bylaws indicate that Mount Saint Mary College "aims to give its students a Catholic cultural-professional education in the liberal arts tradition." This distinctive approach provides the philosophy for our commitment to educating the whole person and to cultivating intellectual achievement, religious and spiritual growth, and the development of moral character.

Consistent with these principles, Mount Saint Mary College endeavors to graduate students who:

- are inquisitive and value the free exchange of ideas in pursuit of truth
- are analytical in their approach to problem solving
- are motivated toward self-improvement
- have developed an aesthetic sense
- possess effective leadership and communication skills
- respect the values and ethics of the Catholic and Dominican traditions
- embrace civic responsibility and community service.

The deepening of Mount Saint Mary College's commitment to these principles will involve the leadership efforts of the entire community, within a culture of academic excellence.

## Mission

As reflected in its motto "Doce Me Veritatem" (Teach Me the Truth) Mount Saint Mary College, founded by the Dominican Sisters of Newburgh, is an independent, coeducational institution committed to providing students with a liberal arts education to prepare them for lives of leadership and service. Through a variety of majors and professional programs, students are also prepared for career entry or graduate and professional studies.

Consistent with Judeo-Christian values and the Dominican tradition of education that values the inherent worth of the individual, the mission of Mount Saint Mary College is to create an environment which fosters close student-faculty interaction that enables students to reach their full potential as lifelong learners. Mount Saint Mary College strives to provide a stimulating environment that promotes the intellectual and personal growth of undergraduate and graduate students.

## Mount Saint Mary College Vision

Mount Saint Mary College will be the most community service-oriented college in the United States, while continuing its tradition of excellence in the liberal arts, the sciences, and pre-professional programs. In all activities, the college will celebrate scholarship, education, and the values and traditions expressed in its mission.

## A Knight Lives the Golden Rule

At Mount Saint Mary College, we hope that our students will always treat their fellow students, campus guests, and others with kindness and respect. From the earliest times, Christians were known to those around them by the love they

showed for one another and others. Love of God and neighbor has always been the Christian ideal and the foundation for building community.

The wisdom of Dominican life is expressed in the four core beliefs of Prayer, Learning, Community, and Service. Building a community that serves others begins with showing love for those around us. We are all called to practice and model love for others in our personal relationships. Loving others means following the Golden Rule—treating them as we would have them treat us. This means showing kindness and respect for others, even when we disagree with them. Actions that are violent or that denigrate or demean another human being not only damages our community but also our character.

We want kindness and respect to be the basis of all our interactions at the Mount. As you review the MSMC Student Code of Conduct, please keep in mind that inappropriate behavior falls far short of the ideal to which we aspire at Mount Saint Mary College.

# COVID-19 PUBLIC HEALTH POLICY

Students will adhere to Public Health Policy directives, including COVID-19 guidelines, as issued by NY State, the Orange County Department of Health, and Mount Saint Mary College. Please note that the College's policy will continue to evolve as public health conditions and guidance change.

The College may issue an interim suspension for students who commit a COVID-19 Public Health Policy violation pending the outcome of an investigation and the adjudication process, as outlined in the MSMC Student Code of Conduct. A finding of responsibility that results in a permanent dismissal or suspension from the College will leave the respondent ineligible for a refund of tuition, room, board, or fees and the student will be responsible for all amounts owed.

In addition, all Student Government Association sponsored clubs/organizations and other recognized MSMC groups found to have sponsored events that contradict current guidelines as described in the public health policy section, are subject to loss of membership and/or SGA funding, in addition to disciplinary sanctions as outlined in the MSMC Student Code of Conduct.

At this time students are not required to be vaccinated but some students may be required to have vaccination due to requirements for clinical rotations or external internships.

This decision is final with no appeal.

## COVID-19 Protocols

All students and their guests are expected to adhere to the following COVID -19 protocols:

- Obtain a COVID-19 test when required by the College and submit test results as instructed. Tests may be required if a student is symptomatic; as a screening requirement to return to campus after a break or time away from campus; or may be required randomly during the semester. Requirements regarding types of tests accepted, timing of tests and submission of tests may vary and must be followed. All specific information will be communicated to students via MSMC email.
- Participate and cooperate with all contact-tracing efforts.
- If directed by the College, the Orange County or any other county Department of Health, or New York State Department of Health to isolate or to quarantine on or off-campus, said person should not engage in any conduct that would violate such isolation or quarantine order — including, but not limited to, intentionally leaving isolation/quarantine, and/or exposing other individuals.

## What if I test positive?

If you test positive for COVID-19, do not come to campus. You must isolate off campus for at least five days and will need to be cleared by Health Services before returning to campus. A mask will be required for days 6-10 and you may need to isolate during sleeping hours if you have a roommate. Alternate on-campus housing will be provided during this time if needed.

For resident students: please remain in your dorm and contact Health Services during business hours at 845-569-3152. If it's after hours, contact Security at 845-569-3200.

## Submitting a positive test result

1. Visit [msmary.studenthealthportal.com](https://msmary.studenthealthportal.com).
2. Log in. If needed, create your account to do so. Enter your information as requested.
3. Once logged in, follow directions as prompted. Proof includes official results from a rapid or PCR test, a photo of a home test with this [attestation form](#), or a note from your physician.

Health Services will contact you with your next steps.

Upon being cleared by Health Services, students may return to campus if their symptoms are mostly resolved: no persistent cough, nasal discharge, or sore throat, and no fever for 24 hours without the use of fever-reducing medications.

Any student needing to isolate because they were COVID-19 positive needs to be cleared by Health Services in order to return to campus. Call 845-569-3152.

# STUDENT JUDICIAL CODE/CODE OF CONDUCT

## Preamble

The College endeavors to foster an environment where students can be inquisitive and value the free exchange of ideas in the pursuit of truth and the development of their moral character. The Student Judicial Code enumerates standards, policies, and procedures regarding complaints about student misconduct.

The College wishes to foster a relationship built on mutual trust and a spirit of self-regulation. This requires that students fully understand their responsibilities as both members of the college community and of the community at large.

Therefore, if a student is found in violation of a College regulation, judicial action may be appropriate. **This includes both violations occurring on the College campus and violations occurring off campus.**

Campus judicial proceedings are educational and administrative in nature. The emphasis of the College judicial system rests upon the questions of student conduct rather than the questions of legal or criminal guilt. The authority of the College to discipline students for violations of its regulations, and the power of civil authorities to deal with violations of criminal law, are clearly separate proceedings, each with a different nature and purpose. The student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same processes afforded by courts.

The aim of the College judicial system is to arrive at fair, impartial, and consistent decisions which presume that individuals are fully responsible for their actions, and which insure the rights, freedoms, and safety of all members of this educational community.

## Who must abide by the code?

Individual students and student organizations recognized by the College must abide by the Code and are subject to the student conduct process contained in the Code. Further, the Code applies to guests of community members, whose hosts may be held accountable for the misconduct of their guests and to visitors to the campus. Sanctions for violations by visitors and guests may include, but not be limited to, a warning, Campus-Wide and Residence Life No Trespass, and referral to the Office of Security and Safety and/or the Police. Visitors and guests of the College are also protected by the Code, and may initiate grievances for violations of the Code committed against them by individual students and/or by student organizations recognized by the College.

For the purposes of this Code, **students** are defined as all persons taking courses at Mount Saint Mary College, whether full-time or part-time as undergraduate, graduate, or continuing education students. Persons who are not officially enrolled for a particular term, but who have a continuing student relationship with the College are also considered students.

For purposes of this Code, **a student organization recognized by the College includes** any group of Mount Saint Mary College students meeting the criteria for group registration or recognition established by the College.

## Where and When Does the Code Apply?

The College may address misconduct that occurs and is reported when the alleged Code violating student is enrolled at the College. Persons who are not officially enrolled for a particular term, but who have a continuing student relationship with the College are also considered students. Individuals who are aware of misconduct are encouraged to report it as soon as possible to the Office of Student Affairs or the Office of Security and Safety.

The Code sets a range of expectations for students in all settings. Therefore, the Code applies without regard to the physical location of where a student's studies take place (i.e. on or off campus or on the internet) or whether the alleged misconduct took place on campus, at an off-campus College site, or College-sponsored event. The Code also applies to off-campus conduct when the administration determines that the off-campus conduct affects a substantial interest of

the College.

A substantial interest of the College includes any activity or activities that:

- Constitute a violation of local, state or federal law, including but not limited to repeat violations of any local, state, or federal law committed where the College is located;
- Signify that the student may present a danger or threat to the health or safety of him- or herself or others;
- Significantly impinge upon the rights, property or achievements of others or causes a significant breach of the peace and/or causes social disorder; and/or
- Are detrimental to the educational interests or mission of the College.

### **Authority**

The Vice President of Students and/or designee has jurisdiction over, and the authority to enforce, the Code of Conduct with respect to all non-academic affairs matters. The Vice President for Students may implement changes to the processes related to the Code, as needed.

### **What are Students' Responsibilities with Respect to the Code?**

All students and members of student organizations recognized by the College are required to read and to abide by the provisions of the Code and the authority of the student judicial conduct process.

Students will be informed annually of how they can access a copy of this Code on the College's website and/or portal. Moreover, a copy of this Code will be available online at [www.msmc.edu](http://www.msmc.edu) and at [my.msmc.edu](http://my.msmc.edu). A printed copy is also available in the Office of Student Affairs upon request.

### **When are Violations of the Law also Violations of the Code?**

Violations of federal, state and local laws are violations under the Code even if the legal violations are not explicitly prohibited by this Code. When such offenses occur off campus and do not involve an off-campus site or a College-sponsored activity, the College may institute conduct proceedings if the administration believes the alleged misconduct may affect a substantial interest of the College, at the discretion of the Vice President for Students, his or her designee, or the College President. Issues of sexual misconduct are taken very seriously by the College and an allegation may trigger violation of the Sexual Misconduct and Grievance policy.

### **How Does the College Treat Attempted Code Violations?**

In most circumstances, the College will treat attempts to commit any of the violations listed in the Code as if those attempts had been completed.

### **Can the College ever be a Complainant?**

Yes. The College reserves the right to initiate a Complaint, to serve as Complainant, and to initiate conduct proceedings without a formal Complaint by an alleged victim of misconduct.

### **Can the judicial process occur virtually if one or more participants CANNOT attend in person?**

Yes. If one or more participants are unable to attend in person, the college can institute a virtual process for one or all parts of the judicial process. This includes the investigation, hearing and/or conduct conference, and the sanctioning and appeal process.

### **What will the College Do in the Event of False Reporting of Code Violations?**

The College does not tolerate intentional false reporting of incidents under this Code. Although good faith, but mistaken, allegations of Code violations are not subject to discipline, it is a violation of the Code for a student to make an intentionally false report of any policy violation. Moreover, in some circumstances and depending on the nature of a false accusation, it is possible that intentional false reporting may constitute a violation of criminal statutes and/or civil laws.

### **What Happens in the Case of Group Violations?**

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of the Code, the College has the discretion to hold the individuals accountable as a group, and a hearing may proceed against the group as jointly accused students. In any such action in which the College chooses to commence a group proceeding, however, determinations will be made with respect to the involvement of each accused individual.

### **What Types of Conduct Does the Code Prohibit?**

Please note that violations of sexual misconduct are covered by the Sexual Misconduct and Title IX Grievance Policy located in General College Policies. They do not preclude the College from also prosecuting a violation of the Code of Conduct where appropriate. The following misconduct is subject to disciplinary action, as outlined in the Code:

1. Any misconduct that constitutes a violation of local, state or federal law, including but not limited to repeat violations of any local, state or federal law committed where the College is located
2. Intentionally or recklessly causing physical harm to any person or intentionally or recklessly causing reasonable fear of such harm.
3. Unauthorized use, possession, or storage of any weapon, including pellet and paint guns, or incendiary device, or using any object in a way that creates a risk of bodily harm.
4. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, arson, explosion, or other emergency.
5. Disorderly or disruptive conduct that unreasonably interferes with normal activities sponsored by the College, including, but not limited to, guest lectures, studying, teaching, research, College administration, or fire, police, or other emergency services.
6. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this Code.
7. Violation of the published College alcohol policy. Such regulations or policies may include but are not limited to, prohibitions on the sale or consumption of alcoholic beverages per N.Y. State Alcohol and Beverage Control Laws.
8. Unauthorized use, distribution, possession or being in the presence of any controlled substances or illegal drug and/or drug paraphernalia and/or improper use of prescription and over the counter medications.
9. Intentionally or recklessly misusing or damaging fire safety equipment.
10. Intentionally furnishing false information to the College.
11. Forgery, unauthorized alteration, or unauthorized use of any College document or instrument of identification.
12. Intentionally and substantially interfering with the freedom of expression of others.
13. Theft of property or of services or acting as an accessory in the theft of property or services; knowing of possession of stolen property and not reporting it.
14. Intentionally or recklessly destroying or damaging Mount Saint Mary College property or the property of others.
15. Failure to comply with the directions of College officials and Residence Assistants, acting in performance of their duties, including campus security officers; this can include verbal or physical harassment or intimidation.
16. Violation of any published College policy. Such regulations or policies may include, but are not limited to, the housing agreement as well as those regulations relating to entry and use of College facilities, visitation, cohabitation,

use of vehicles and media equipment, campus demonstrations, and misuse of identification cards.

17. Unauthorized presence in or use of College premises, facilities, property, or of another's property or assigned College residence.
18. Unauthorized use or possession of fireworks.
19. Failure to produce a College identification card upon demand by a campus security officer or other official of the College acting in his/her official capacity.
20. Harassment—includes but is not limited to intimidation, invasion of privacy, or any threat to the wellbeing of any person or group communicated verbally, in writing, or through contact by telephone, computer, social media or a third party.
21. Theft or other abuse of computer time, to include but not limited to unauthorized transfer of a file; unauthorized entry of a file; unauthorized use of another individual's identification and/or password; use of the College's computing server to interfere with the work of another student, faculty member, or College official; use of the College's computing server to send obscene, harassing, or abusive messages; and use of the College's computing server to interfere with normal operation of the College computing system.
22. Intentionally misusing or defacing Mount Saint Mary College library materials.
23. Violation of the College's Anti-Hazing Guidelines:

**Anti-Hazing Guidelines:** The New York State Penal Law sets forth conduct which constitutes hazing in sections 120.16 and 120.17. New York State Law and Mount Saint Mary College policy prohibits hazing. The College considers hazing as any action or situation created by an individual, group, organization, or athletic team intentionally or unintentionally, whether on or off College premises, to produce mental or physical discomfort, embarrassment, harassment, ridicule, or in any way demean the dignity of another human being. Additionally, any action or situation on campus, off campus or at a college-sponsored event that recklessly or intentionally endangers mental or physical health or involves the forced consumption of alcohol or drugs for the purpose of initiation to or affiliation with MSMC, or any organization sponsored by or using the campus of MSMC, is prohibited. Penal Law, 120.16, states "A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury." (amd. 1988, ch. 86. section 1, eff. Nov. 1, 1988). These guidelines shall govern the conduct of organizations sponsored by MSMC, students, and employees of MSMC as well as visitors and other licensees present on the campus or at a college sponsored event. Students or employees who violate these guidelines shall be subject to suspension or dismissal or other appropriate disciplinary action. Visitors or other licensees who violate these guidelines shall be ejected from the campus or from the college-sponsored event wherein the violation occurred. Organizations sponsored by MSMC that violate these guidelines shall suffer rescission of permission to operate on campus or at events sponsored by MSMC. The above sanctions are in addition to any penalty pursuant to the penal law or any other chapter to which a violator or organization may be subject: Penal law, 120.16, Hazing in the first degree is a class A misdemeanor. Penal Law, 120.17, hazing in the second degree is a violation.

24. Violations of any Codes of Conduct established for any particular division or department at the College, including but not limited to the Nursing Student Code of Conduct, the Education Student Code of Conduct, the Social Sciences Student Code of Conduct, the Internship Student Code of Conduct, and Psychology and Social Sciences Student Codes of Conduct, the Psychology and Social Sciences Student Codes of Conduct, and the Athletic Department Code of Conduct.

25. Demonstrations: Mount Saint Mary College recognizes and encourages the right of each individual to express his or her views and advocate causes in which he or she believes. However, the rights of and respect for all individuals in the College must be maintained. Therefore, in accordance with Article 129-A of the Education Law of the State of New York, the Board of Trustees of MSMC has issued a statement on regulation of conduct. It affirms the rights of members of the college community to use "peaceful means of expressing points of view through established channels or by demonstrations provided that there is no interference, hindrance, or disruption of normal functioning of the College in pursuit of its educational goals."

26. Violations of Freshmen Curfew: MSMC has implemented a freshman curfew as a way to help new students adjust to groups living away from home and to accept the responsibilities of being a college student. Students who fail to comply with the policy will be subject to a multi-step discipline process.

- First Offense: Student has an educational meeting with the building Resident Director.
- Second Offense: Written reprimand in student's judicial file and completion of Judicial Educator Module assigned by building Resident Director.
- Third Offense: Students meet with the Director of Residence Life and incur a \$25 fine on his or her MSMC account.

27. Violation of the College's Sexual Misconduct and Grievance Policy. Such violations may include, but are not limited to, Sexual Assault, Battery, Abuse, Sexual Violence, Forcible Touching, Criminal Sexual Act, Coercion, Rape, Attempted Rape, Harassment, Sexual Harassment, Domestic Violence, Dating Violence, retaliation, failure to obtain affirmative consent, and/or creating a hostile environment. Such violations may also include acts of Stalking, which can be a form of sexual violence depending upon the circumstances.

28. Violations of the Hover Board Policy/Electric Bicycles

Due to the incidents of fires and other safety concerns, Mount Saint Mary College prohibits the use, possession, and storage of Hoverboards and electric bicycles campus wide. This prohibition extends to all self-balancing boards and scooters and any similar equipment that is self-driven and either motor or battery powered. This policy will be in effect until safety standards have been adequately developed and implemented across all models with the approval of the U.S. Consumer Product Safety Commission.

29. Failure to comply with COVID-19 Public Health Policy.

30. Bias-Related Incident: A bias-related incident is defined as behavior that constitutes an expression of hostility in any form against a person or personal property of another because of the targeted person's perceived or actual race, religion, sexual orientation, ethnicity, national origin, gender, age, disability, or other protected categories. Bias-related incidents include, but are not limited to, name calling, threats or violent acts, or, and using degrading language or slurs directed toward a person or persons because of their actual or perceived membership in a protected class. For more details, refer to the Discrimination and Harassment Policy.

31. Unauthorized Recording: Any unauthorized installation and/or use of any device for listening to, observing, photographing, recording (video/voice), amplifying, transmitting or broadcasting sounds of any person while on the College premises, when such person has a reasonable expectation of privacy, without the knowing and willing consent of all persons involved, is prohibited. This includes, but is not limited to, taking photographic images of a person dressing or undressing; photographing or videotaping a person's intimate body parts; video or audio recording during class, meetings or administrative hearings; splicing voice over media in any form; or creating social media communication or profiles using the name or likeness of another.

## Sanctions

**Code of Conduct Behavior contract:** This contract serves as an agreement between the College and the student specifying the behavioral requirements to be followed while the student is enrolled at the College and is in response to a code of conduct violation.

**Code of Conduct Stipulation:** A stipulation can be attached to any code sanction. It is an agreement that any further violation within a specified period regardless of the severity of the violation will result in more severe disciplinary action, up to and including suspension or expulsion from the College. A stipulation may also provide specific instructions a student must follow. A stipulation will require a student to sign off to acknowledge that this is a warning and agree to waive their due process rights after confirmation through an investigation or other means by the College.

**Disciplinary Reprimand:** A written or verbal notice that the student has been found in violation of a specific regulation, and that repetition or continuation of this violation may result in further disciplinary action.

**Restitution:** Reimbursement by the student to the College or a member of the College community to cover the cost of

damage to or misappropriation of property.

**Restriction:** Withdrawal or restriction of certain privileges for a specific period of time, such as participation in student activities and use of computing services representing the College.

**Forced Relocation:** Relocation of the student to another area of the residence community for the common good. When a student is relocated, they will not be permitted to return to the residence area in which they were removed for a period of at least one calendar year. Return to the original area will be at discretion of the Director of Residence Life and/or Vice President for Students and/or designee.

**Campus Community Service Assignment:** The assignment of tasks or work appropriate to the violation, which will benefit all or part of the College community.

**Fines:** A monetary assessment that may vary because of the nature and/or the frequency or nature of the violation.

**Mandatory Alcohol/Drug Evaluation and/or Education:** Mandate students to obtain an Alcohol/Drug Evaluation and/or attend a mandatory Alcohol/Drug Education Workshop. The Counseling Services Office will facilitate this process.

**No Trespass and No Contact Orders:** In addition to No Trespass and No Contact Orders that may be imposed pending an investigation and/or the resolution of an alleged Code Violation as outlined in the Code, the College may also impose No Trespass and No Contact Orders as discipline upon the outcome of a Student Conduct Conference and/or Student Conduct Hearing.

**Interim Suspension:** An interim suspension may be imposed pending an investigation and/or the resolution of an alleged Code Violation as outlined in the Code. An interim suspension is not disciplinary in nature.

**Emergency Removal:** An emergency removal may be imposed pending an investigation and/or the resolution of an alleged Code Violation as outlined in the College's Sexual Misconduct and Grievance Policy. An emergency removal is not disciplinary in nature.

**Suspension of Participation in Campus Activities:** A student's ability to participate in a campus leadership position or other activities may also be impacted or suspended as part of a disciplinary conference or hearing. i.e.: orientation leader, student or residence assistant, Student Government leader, student athlete, study abroad or Leadership Scholars, etc.

**Dispute Resolution Agreement and/or Mediation:** The College may offer students mediation or an alternative resolution agreement in cases when deemed appropriate by the designated College official.

**Discretionary Sanctions:** Other sanctions that bear a reasonable relation to the violation for which the student has been sanctioned may be imposed instead of or in addition to those specified above. Discretionary sanctions include, but are not limited to, volunteer services hours, educational reflection assignments and participation in alcohol or drug awareness programs. Discretionary sanctions are administered only with the approval of the Vice-President of Student Life or designee.

**Student Life Probation:** A defined period of time during which any further violations of the Student Code of Conduct may result in additional disciplinary sanctions. Additional sanctions include (but are not limited to) Disciplinary Probation, Residence Suspension, and loss of on campus recreational privileges. Future violations could jeopardize a resident student's housing or a commuter student's campus privileges.

### Parental Notification

The College recognizes each student as a responsible adult. However, parents/guardians will receive written notification, as allowable under FERPA, from Mount Saint Mary College if a traditional student receives any of the following sanctions listed below as part of a disciplinary conference. This notification will include a copy of the student's sanction letter and will be mailed to the permanent address listed on the student's MSMC account. The health and safety are paramount. The College reserves the right to notify parents/guardians in situations where it has come to the College's attention that a student's health or safety is in jeopardy. A traditional college student, is defined as an undergraduate student, age 23 or younger.

**Disciplinary Probation:** An official and final warning directing the student to comply with the terms of the probation and to exhibit good conduct in general by obeying College rules and regulations during a specified probation period. Further violations and/or failure to comply with sanctions will require that the student meet with the Vice President for Students or his/her designee. They will meet with the student to determine if additional Judicial Action is necessary.

If additional judicial action is required, the Vice President for Students or his/her designee, will conduct a special hearing pursuant to the terms of the Disciplinary Probation. Sanctions may then be imposed pursuant to the terms of probation and may include dismissal from the residence hall and/or the College, and parent/guardian notification to the extent permitted under FERPA. The Vice President's decision is subject to appeal consistent with the appeal procedures outlined in this Code. Students will lose seniority and/or priority in the room selection process and be restricted from living in the same room the following year.

**Weekend Suspension:** Suspension from on-campus residence and/or from the entire campus grounds for one or more weekends. Generally, a student is suspended for weekends up to a semester or more. In such circumstances, students must be off campus and/or out of the residence halls by a designated time on Fridays and cannot return to campus and/or the residence halls until a certain hour on Monday. Times would be determined by the hearing officer and the student's schedule. Future violations jeopardize the student's housing. Students will lose seniority and/or priority in the room selection process and be restricted from living in the same room the following year.

**Residence Suspension:** The student will be asked to terminate occupancy of on-campus residence for a specified period of time. The student must remove all belongings from the residence hall within 24 hours of receiving notice, returning all keys to residence life. The student will be obligated to pay the full room and board charge for the semester in which she or he is dismissed. During the suspension, the student will be denied access to all residence hall facilities. After the residence hall suspension period ends, if the student returns to campus housing, they will be billed room and board upon re-registration for classes accordingly. Upon return, the student will not be guaranteed his/her original place of occupancy and the student's seniority and/or priority in the room selection process will be reviewed. Students will lose seniority and/or priority in the room selection process and be restricted from living in the same room the following year.

**Disciplinary Suspension:** Temporary separation from the College, including the residence halls, with the opportunity to apply for re-enrollment. The terms of the suspension may be set for an indefinite period of time, and special conditions upon re-enrollment may be designated. Students will lose seniority and/or priority in the room selection process and be restricted from living in the same room the following year.

The Office of Student Affairs is authorized to place a "Student Affairs" hold on the suspended student's registration account to prohibit re-enrollment during the suspension period. A student wishing to re-enroll must submit a written request to the Vice President for Students and/or designee after the suspension period ends. The Vice President, in consultation with other college officials, will review the request and any documentation provided and notify the student, in writing, of the outcome. If the request is granted, the "Student Affairs" hold will be removed within ten (10) business days.

**Factors considered in review of requests include:**

- The conduct of the student subsequent to the disciplinary suspension;
- The nature of the disciplinary suspension; and
- The information provided by the student in the written request.

**Dismissal/Expulsion:** Permanent separation from the College and/or residence halls. The Office of Student Affairs is authorized to place a "Student Affairs Hold" on the dismissed student's registration.

**How May Allegations of a Code Violation Be Reported?**

A Complaint against a student for violations of the Code may be made in writing by anyone who feels the Code has been violated. A Complaint should be made as soon as possible following the incident. A Complaint Form is available on the MSMC Student Portal at [my.msmc.edu](http://my.msmc.edu), and can be submitted to the Office of Student Affairs and online.. A Complaint can also be made by filing a written report with the Security and Safety Office in GA 1. An incident report will be generated and sent to the Director of Student Conduct. For incidents of Sexual Misconduct, a report can be made to Title IX Coordinator: Matthew Byrne, Garden Apartment (GA) 1 room 205, 845-569-3597, [titleixcoordinator@msmc.edu](mailto:titleixcoordinator@msmc.edu) or online at <https://www.msmc.edu/title-ix>

The Complaint should include as much detail of the alleged violation as possible and, to the degree possible, include specific references to that part of the Code that the complainant believes pertains to the Complaint.

The Complaint must include the complainant's name, address, and telephone number and as much information as is known about the person accused. If there are any witnesses, their names and addresses should also be provided if known. As much detail as possible should be provided. In exceptional circumstances, provisions may be made to protect the identity of reporters and witnesses upon request.

### **Are All Complaints of Code Violations Subject to the Judicial Code?**

Yes. However, in cases involving Residence Hall policy violations the Office of Student Affairs may decide to have the Student Conference be heard by the Director of Residence Life or his or her designees, and the Student Conduct Hearing may be heard by a designated administrator rather than a panel. In such cases, appropriate procedures will be followed, including the receipt of notice, the right to be heard and a hearing before an impartial administrator of the College. The appeals procedure is consistent with the appeals procedure for the Student Conduct Hearing outlined in the Code.

In cases involving violations of the Code that are also covered by another College procedure (e.g. the College's policies on Academic Honesty), the College will typically defer to that separate policy for the adjudication and resolution of the alleged violation. However, the College reserves the right to permit the Complaint to proceed through the Student Judicial Code Process or both processes, as it determines.

### **What Happens When an Incident Report is Received? How is an Investigation Conducted?**

When a Complaint is received by the College, the Office of Student Affairs will assign an investigator and conduct an investigation as to the circumstances surrounding the event in question to determine whether there is sufficient evidence to support a reasonable belief that a violation of the Code occurred. Unless the nature of the allegation already has a prescribed investigatory procedure (e.g. a **Complaint of a violation of the College's Sexual Misconduct and Grievance Policy**) the following investigatory procedure will be followed:

1. The Office of Student Affairs and/or the Office of Security and Safety will schedule a conference and obtain a written statement from the Complainant and gather facts from the Complainant with respect to the allegation(s). At this time, or any time in the investigative process, the Office of Student Affairs may determine that an interim suspension (see next question below) or other immediate College action is appropriate given the nature of the Complaint or the facts.
2. Based upon the sufficiency of the Complaint or report filed, the Office of Student Affairs and/or the Office of Security and Safety may order an investigation of the circumstances surrounding the incident in question or make a determination that further investigation is not warranted. The latter option is appropriate only where the conduct under scrutiny is not a Code violation, even if true. A determination to dismiss the Complaint should be made by the investigator after consultation with and approval from the Vice President for Students.
3. If an investigation is warranted, the Office of Student Affairs and/or the Office of Security and Safety may schedule a meeting with the accused student, witnesses and/or other persons involved in the incident. The meetings do not necessarily need to be in this order and, if necessary, more than one meeting can be held with any one person for fact-gathering.
4. The Office of Student Affairs and/or the Office of Security and Safety will determine, after investigation, whether: (1) a Student Conduct or (2) a Student Conduct Hearing ; or (3) Restorative Justice is warranted.
5. If the Office of Student Affairs believes the Complaint does not warrant further action after investigation, the matter will be closed. Such determinations are appropriate where the conduct under scrutiny does not violate the Code even if true and/or when there is insufficient evidence to support a reasonable belief that the Code has been violated. A determination to dismiss the Complaint after investigation should be made by the investigator after consultation and approval from the Vice President for Students and/or designee.

### **When Can an Interim Suspension or No Trespass Order Be Implemented?**

At any time after a Complaint is filed, through the completion of an investigation and the subsequent hearing process, the Office of Student Affairs is authorized to place an Accused student on interim suspension and/or issue a no trespass order for all or part of campus. The reasons for such interim action may be to protect any potential threat to the physical or emotional safety and well-being of the Accused student(s) or the Complainant, to protect the integrity of the investigation process, pending the outcome of a psychological or medical assessment and/or for reasons relating to the safety and well-being of students, faculty, staff, or College property. In some cases, the accused student may be permitted to attend classes but be suspended from the residence halls and/or all other campus activities. The decision of the Office of Student Affairs to place an accused student on an interim suspension or to issue a no trespass order must be approved by the Vice President for Students and/or designee based upon his or her knowledge of the potential threat posed by the presence on campus of the Accused student.

In complaints of Sexual Misconduct, the College may undertake an emergency removal of an accused or respondent student in order to protect the safety of the College community, which may include contacting local law enforcement to address imminent safety concerns. Please see the Sexual Misconduct and Title IX Grievance Policy for further information.

**Voluntary Withdrawals:** Should the accused student voluntarily withdraw from the College during the judicial process and/or the subsequent sanctioning period, the Office of Student Affairs is authorized to place a “Student Affairs Hold” on the accused student’s registration account. Re-enrollment will be subject to the approval of the Vice President for Students and/or his or her designee.

***In cases involving crimes of violence, including sexual violence, should the accused withdraw from the College during the judicial process and/or the subsequent sanctioning period, the College will make a notation on the accused student’s transcript that they withdrew from the College with “conduct charges pending.”***

#### **In What Circumstances Can a No Contact Order Be Implemented?**

The Vice President for Students and/or designee may impose a limited or campus-wide No Contact Order between parties or witnesses to a Complaint when the fear of retaliation and/or harassment may be present and/or for reasons relating to the safety and well-being of students, faculty, and staff. Specific instructions will accompany the No Contact Order outlining to all parties the expected behavior including any prohibitions on face-to-face contact, correspondence, email, instant message, social media, telephone, or other communications. Friends and relatives may also be prohibited from contact on behalf of either party. In some cases, a one-sided no contact order may be imposed with the responsibility on the respondent to follow the stated limitations.

#### **What Kind of Notice Will the Accused Receive Regarding a Complaint?**

If the Office of Student Affairs determines there is sufficient evidence to support a reasonable belief that a violation of the Code has occurred, the Accused student will normally be notified in writing within ten (10) business days of receipt of the Complaint. The notification time may be longer if necessary to complete the investigation.

This written Notice will include:

1. The Complaint, including the date, the approximate time, and the location of the alleged incident, along with the identifying sections of the Code at issue and sanctions that may result;
2. A copy of the Code and procedures applicable to the Complaint; and
3. A statement that a Student Conduct Conference or Student Conduct Hearing has been scheduled.

In incidents of sexual misconduct, The Title IX Coordinator, Deputy Title IX Coordinator, or Director of Student Conduct will draft and provide a notice to all known parties (“Notice of Allegations”) regarding the allegations of sexual misconduct contained in the Formal Complaint. Such notice will occur as soon as practicable, but no more than 10 days, after the institution receives a Formal Complaint, if there are no extenuating circumstances. Further information can be found in the Sexual Misconduct and Grievance Policy.

# THE STUDENT CONDUCT CONFERENCE

## **What Happens at a Student Conduct Conference?**

In instances where the investigator and/or the Vice President for Students and/or designee determine that there is sufficient evidence to support that a Student Conduct Conference is warranted, the Vice President for Students and/or designee may conduct a Student Conduct Conference with the Accused student. A hearing officer will be designated by the Vice President for Students or designee.

At the Student Conduct Conference, the Accused student will:

1. Be informed of the information provided to date by the complainant and other persons;
2. Be given an opportunity to raise questions and discuss the information;
3. Be given the opportunity to admit the allegations and accept responsibility for the violation(s);
4. Be given the opportunity to deny the allegations; and
5. Be informed of the Student Conduct Conference and Student Conduct Hearing Process and possible remedies and sanctions that may result.

As a result of the Student Conduct Conference, the Office of Student Affairs may:

1. Dismiss the Complaint;
2. Refer the Complaint to the appropriate administrative process within the College;
3. Resolve the Complaint informally or impose a sanction that does not warrant a Disciplinary Suspension or permanent Dismissal/Expulsion.
4. Require further investigation of the Complaint; or
5. Determine that a Student Conduct Hearing is appropriate.

If further investigation of a Complaint is determined to be necessary after a Student Conduct Conference, the Accused student will be afforded another Student Conduct Conference at the conclusion of the investigation.

Decisions as outlined above shall be made in writing to the Accused student and shall be sent to the Accused student's MSMC email account.

## **How May a Student Appeal a Decision Made at the Student Conduct Conference?**

Notice of the Student Conduct Conference Appeal process will be given in writing at the time of the decision imposing a sanction. A student has the right to appeal the decision in writing to the Assistant Vice President for Students within (3) three business days of receipt of the decision letter. The decision of the Assistant Vice President for Students is final, with no appeal.

If the Assistant Vice President has a conflict of interest, the appeal will be referred to the Vice President for Students. This decision will be final, with no appeal.

The student has the right to appeal based on any of the following grounds:

1. The student was not accorded, in a significant way, the process outlined in this Student Judicial Code;
2. The student has new evidence that was unknown or not available at the time of the original student conduct conference that could be decisive to the outcome;
3. The Hearing Officer imposed a penalty that is unwarranted based on the severity of the offense;

Decisions to dismiss the Complaint, refer the matter to another administrative process within the College, continue the investigation, impose remedies/resolutions that do not result in sanctions against an accused student, and decisions to conduct a Student Conduct Hearing are not subject to appeal.

# THE STUDENT CONDUCT HEARING

## **What Kind of Notice of the Student Conduct Hearing Does an Accused Receive?**

If it is determined that a Student Conduct Hearing is warranted, notification will be provided by the Office of Student Affairs to the Complainant and to the Accused student. Notice will be made by hand delivery, email, and/or certified mail. Notices delivered to students of the College are considered presumptively delivered if delivered to the student's email address that the Office of Student Affairs has on record for the student. The notice will include:

1. The name of the Complainant; or that the College will serve as the complainant;
2. The nature of the Complaint, including the specific code sections alleged to have been violated, applicable conduct procedures and the sanctions that may result;
3. The time and place of the hearing. All Student Conduct Hearings will be scheduled during the College's regular business hours. (9 am – 5 pm);
4. Notice of the right to have relevant witnesses;
5. Notice of the right to present relevant information;
6. The names of others who will be present at the hearing (if known), including the names of the hearing officers on the Hearing Panel; and
7. Notice that a Document File compiled by the Office of Student Affairs with statements from the Complainant, accused student and witnesses and any other documentary information will be available to the Accused student, the Complainant and their campus advisor for review at least three (3) days prior to the Student Conduct Hearing. An appointment is required to review the Document File.

## **What Happens at a Student Conduct Hearing?**

Student Conduct Hearings for violations of the Code are conducted by a three (3) person panel made up of trained faculty and staff from the College that are designated by the Office of Student Affairs. Student Conduct hearings are closed to all members of the campus and outside community except those directly involved with the complaint. The Complainant and the Accused student each have the right to be assisted by a MSMC campus advisor who is not a witness in the complaint. The campus advisor must be a full-time MSMC employee, who is acting in his or her role as a MSMC employee. Exceptions include employees who are designated by the college as a confidential resource for all students, i.e. – mental health counselors, college Chaplain, etc. In cases of sexual misconduct, all students (the accused, the complainant(s), and the witnesses) have the right to be accompanied by an advisor of choice throughout the entire judicial process. All advisors who enter a hearing may be present to advise only; they may not participate directly in the hearing. Advisors who interfere with the proceedings can be excused by the hearing panel. An audio recording or a transcript of the hearing may be made and kept by the Office of Student Affairs. In a case involving Title IX covered sexual harassment, parties will be given the opportunity for live cross-examination after the Hearing Panel conducts its initial round of questioning. Cross-examination shall be conducted through the Parties' Advisors.

Only persons involved in the hearing process will be permitted in the vicinity of the hearing. It is expected that participants and advisors will respect the dignity and privacy of College community members and keep private that which transpires during the hearing, in accordance with federal and state law.

Student witnesses, when called by the College on behalf of the Complainant, the accused student, or the College, are required to participate in the hearing process.

Generally, the hearing process will be conducted in the following manner:

1. All participants and advisors will be introduced to the Hearing Panel.
2. The Hearing Panel will recite the Complaint against the student and all code sections alleged to have been violated.

3. The Accused student will state whether he or she is responsible, not responsible, or responsible with an explanation for the alleged misconduct. Responsible with an explanation means the student admits to the actions, but believes there were circumstances that should be taken into consideration by the Hearing Panel in the determination of the Complaint.
4. Statements regarding their respective positions may be given by the Complainant and the Accused student. The Hearing Panel, through its Chair, may place reasonable time limitations on the statements.
5. The College reserves the right to assign a representative of the Office of Student Affairs and/or a representative from the office of Security and Safety to present the Complaint against the accused student.
6. Relevant records, documents, and written statements may be accepted and considered by the Hearing Panel; in cases of sexual misconduct, all parties have the right to exclude their own prior sexual history with persons other than the party in the judicial process or their own mental health diagnosis and/or treatment from admittance in the College disciplinary stage that determines responsibility.
7. The Complainant and the Accused student may be present throughout the entirety of the proceeding, except for the deliberation phase.
8. The Complainant, the Accused student and the representative from the Office of Student Affairs or the Office of Security and Safety will be able to present witnesses, who will be subject to cross examination.
9. Witnesses will be asked to remain in the vicinity until the end of the hearing in the event they must be called back for clarification of their testimony.
10. In the event that a witness is not available, a signed statement from the witness may be admitted. Any such statements will be shared with the parties prior to the hearing, and the accused student will be given full opportunity to respond to the written statement at the hearing.
11. Witnesses will appear separately and will leave the hearing room after their testimony is completed. Witnesses are not permitted to leave the vicinity of the hearing room until permission has been granted by the Hearing Panel, and are instructed not to communicate with other witnesses outside the hearing during the proceedings.
12. All parties may question each other and the witnesses, through the Chair, and the Hearing Panel may direct questions as appropriate to any participant; In a case involving Title IX covered sexual harassment, Parties will be given the opportunity for live cross-examination which shall be conducted through the Parties' Advisors. Further information on cross-examination is set forth in the College's Sexual Misconduct and Grievance Policy, located in General College Policies.
13. The Complainant and the Accused student may present concluding remarks. The Hearing Panel may place reasonable time limitations on the statements.
14. At the conclusion of the hearing the Hearing Panel will advise the Complainant and the Accused student that their determination will be given, in writing, in writing, to the Director of Student Conduct or designee.
15. The Accused student's prior student conduct record will be a factor in determining the appropriate sanction(s) if a violation of the Code is found to have occurred.

***In cases of sexual misconduct, past findings of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, are admissible in the sanctioning stage.*** All parties will have the opportunity to make an impact statement to the board when they are deliberating an appropriate sanction (s).

The rules of evidence applicable to Federal, State and Local courts do not apply to Code proceedings at the College. Fair process applicable to this process is as defined in these procedures.

### **How Will the Accused Be Notified of the Outcome of the Student Conduct Hearing?**

Generally, the Accused student will be notified of the outcome of the hearing within ten (10) business days of the conclusion of the Student Conduct Hearing. For each separate offense, the Hearing Panel will determine whether the accused student is responsible or not responsible. The decision will be based upon an evaluation of the information presented and a determination as to whether the Code was more likely than not to have been violated. For each violation, the Hearing Panel will impose an appropriate remedy and/or sanction. **In cases of Sexual Misconduct, the**

process for notifications is set forth in the College's Sexual Misconduct and Grievance Policy, located in General College Policies.

### How Will Students Who Alleged Code Violations Be Notified of Outcomes?

The outcome of a campus hearing is part of the educational record of the accused student, and is protected from release under a federal law, FERPA. The Complainant will generally not be notified of the outcome of the hearing except in cases of violence or sexual misconduct involving the Complainant, once the decision of the Hearing Panel has been issued. The legal exceptions are as follows:

- Complainants in sexual misconduct and sexual harassment incidents have an absolute right to be informed of the outcome of the hearing and the rationale for sanction(s) imposed, in writing, without condition or limitation.
- The College may also release publicly the name, nature of the violation and the sanction for any student who is found in violation of a College policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault; destruction, damage, or vandalism of property; and kidnapping and/or abduction. The College will also release this information to the complainant in any of these offenses, regardless of the outcome.
- In cases of sexual misconduct, all the information obtained during the course of the judicial process will be protected from public release until the appeal process concludes, unless otherwise required by law.

For all crimes of violence, including, but not limited to forcible and non-forcible sex offenses, a notation will be placed on the transcript of the student found responsible after a conduct process. The transcript shall read: "**SUSPENDED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION" OR "EXPELLED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION."**

Notations will not be removed prior to one year after the conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

To request that a transcript notation be removed after a suspension ends, a student must submit a written request to the Vice President for Students; this request will be considered one year from the date of the suspension's end. The Vice President for Students, in consultation with other college officials, will review the request and any documentation provided. After conducting a thorough review, the Vice President for Students will make a recommendation to the College President, who will render a decision on behalf of the College. The decision will be final within the student judicial code structure. The student will be notified of the outcome, in writing, and, if the request is granted, the transcript notation will be removed within ten (10) business days following notification.

Factors considered in review of requests include:

- The conduct of the student subsequent to the disciplinary violation;
- The nature of the disciplinary violation; and
- The information provided by the student in the request.

If a transcript notation is removed, a Student Affairs hold will remain on the student's record. Students seeking re-enrollment after Disciplinary Suspension must follow the procedures under definition in the Student Code of Conduct, Article II.

## **STUDENT CONDUCT HEARING APPEAL PROCEDURES**

### Can an Accused Student Appeal a Student Conduct Hearing Decision?

Yes. If an Accused student is found responsible for a Code violation, the individual can appeal in writing to the Assistant

Vice President of Students, or his or her designee, within three (3) business days of receipt of the determination.

If the Assistant Vice President has a conflict of interest, the appeal will be referred to the Vice President for Students. This decision will be final, with no appeal.

The student has the right to appeal based on any of the following grounds:

1. The student was not accorded, in a significant way, the process outlined in this Student Judicial Code;
2. The student has new evidence that was unknown or not available at the time of the original hearing that could be decisive to the outcome of the hearing;
3. The Hearing Board imposed a penalty that is unwarranted based on the severity of the offense.

**In cases of Sexual Misconduct, the complainant, as well as the accused, is entitled to an appeal, the process for which is set forth in the College's Sexual Misconduct and Grievance Policy, located in General College Policies.**

#### **How Can a Student File an Appeal of a Student Conduct Hearing Decision?**

The Assistant Vice President for Students or designee will review the written request for an appeal to determine whether there is sufficient basis to grant an appeal. If so, he or she will proceed to hear the appeal, or return the Complaint to the original hearing body for reconsideration or rehearing in light of the basis for the appeal.

If the Assistant Vice President or his or her designee determines that there is not a sufficient basis to change the decision of the Hearing Panel, the student will be notified in writing. Appeals are deferential to the original hearing decision, and are not intended as a rehearing. If the Assistant Vice President or designee hears the appeal, he or she may determine that there is a sufficient basis to change the decision of the Hearing Panel only if there is clear error or compelling justification. If so, he or she may reverse, sustain or modify the decision, or change the sanction. Normally, appeals involve a review of the hearing record and appeal request. At the discretion of the Assistant Vice President for Students or his or her designee, the parties to the Complaint and witnesses may be interviewed and documentation may be reviewed as necessary to assure fairness.

The decision of the Assistant Vice President for Students or designee will be final within the College Student Judicial Code Structure.

# STUDENT DRUG AND ALCOHOL POLICY

Mount Saint Mary College believes that each student is responsible for his/her actions. This emphasis on individual responsibility for personal conduct includes the expectation of mature behavior regarding the use of alcoholic beverages. All students are expected to observe all local, New York State, and federal laws, as well as college regulations, concerning alcohol and drugs.

The College's regulations governing the use of alcohol and drugs are designed first and foremost to ensure the personal health and safety of each member of the Mount Saint Mary College community. In addition, these regulations are intended to foster an environment that facilitates student learning, promotes sound judgment, respect for the rights of others, and acceptance of personal responsibility for one's behavior.

## SECTION I. Alcohol

### A. Regulations

1. No student or guest under 21 years of age may possess, consume, or be in the presence of alcoholic beverages.
2. No one may provide alcoholic beverages to students under 21 years of age.
3. No alcoholic beverages are allowed in college public buildings; on campus grounds; in public areas of residence halls including but not limited to kitchens, lounges or bathrooms; or in rooms assigned only to students under the age of 21.
4. Alcohol is permitted in residence hall rooms or suites where at least one resident is 21 years of age.
  - Students of legal drinking age, 21 years or older, may possess what College officials determine to be a reasonable quantity of alcohol for their personal consumption only.
    - Each resident 21 years of age or older is permitted to possess 72 ounces of beer (e.g. one standard six-pack); **OR** 0.75 liters of spirits (a standard bottle of liquor); **OR** 0.75 liters of wine (a standard bottle of wine) in their own room or suite.
    - This limit includes empty bottles/cans of alcohol.
  - In cases where all room/suite residents are 21 years of age or older, only students who are 21 years of age or older are permitted to be present and consume alcohol.
  - Students of legal drinking age may not have students under the age of 21 in their residential room or suite where alcohol is being consumed, with the exception of underage roommate(s).
  - Barware is allowed for students 21 years of age or older.
5. Alcohol-related paraphernalia, even for decorative use, is prohibited in college public buildings, on campus grounds, or in-residence halls
  - Items include but are not limited to:
    - Empty alcohol containers (except what is permitted in the alcohol policy pertaining to students 21 years of age and older. See Alcohol Regulation 4 above)
    - Beer signs
    - Decorative posters depicting alcohol usage

- o Barware (example, shot glasses), except what is permitted in the alcohol policy pertaining to students 21 years of age and older (See Alcohol Regulation 4 above).

6. Violation of the alcohol policy includes games involving drinking and rapid consumption techniques.

- Unauthorized games and techniques not involving alcohol, such as “water pong” and the use of rapid consumption devices, such as but not limited to funnels, beer pong tables, etc., which by their very nature, promote abusive alcohol consumption, is prohibited.
- Mount Saint Mary College prohibits organizing and/or participating in activities that encourage excessive drinking (e.g. beer pong, drinking games or contests, etc.).

7. No kegs, mini-kegs, beer balls, multiple cases, containers of punch or mixed alcoholic beverages, or any other communal sources of alcoholic beverages are allowed on campus.

8. No open containers of alcoholic beverages are allowed on ANY public campus grounds or in common areas of college owned buildings, including the residence halls. Some examples of common areas are lounges, kitchens, hallways, and bathrooms.

9. The practice of charging fees for the distribution or consumption of alcohol at non-college sanctioned events is prohibited. The practice of charging admission into parties where alcohol is being served is also prohibited.

10. Alcohol sale and distribution on-campus will only be permitted at college-sanctioned events approved by the Vice President for Students and consistent with local and New York State law.

11. There shall be no advertising or solicitation on the campus for alcohol or alcohol-related activities or products other than those activities sponsored by campus student organizations and approved by the Vice President for Students.

12. Public intoxication, disorderliness, or offensive behavior resulting from the use of alcoholic beverages are subject to disciplinary action.

## **B. Enforcement**

1. Violations of the alcohol policy will be adjudicated as described below.

2. Any alcohol not permitted by the regulations will be confiscated and disposed. Any alcohol-related paraphernalia is subject to confiscation and may not be returned.

3. If a college official determines that an intoxicated student requires medical attention, and subsequently the student is transported for medical evaluation, the College will contact that student’s parent or guardian.

If the student refuses medical attention or is not transported by medical personnel for evaluation and a college official remains concerned about the health and/or safety of that student, the College will request that the student be picked up by his or her parent/guardian/emergency contact.

## **C. Sanctions**

1. Any student who is found to have violated this policy will be subject to sanctions for the specific offense violated in accordance with the following schedule of sanctions:

Minimum Sanctions for First Violation:

- Written Disciplinary Reprimand
- Judicial Educator – Alcohol Module Part 1

Minimum Sanctions for Second Violation:

- \$50.00 Fine
- Student Life Probation for 15 Academic Weeks
- Written parent notification
- Judicial Educator – Alcohol Module Part 2

Minimum Sanctions for Third Violation:

- \$150.00 Fine
- Guest and Visitor Policy Restriction
- Disciplinary Probation for 15 Academic Weeks
- Written parental notification

Minimum Sanctions for Fourth Violation:

- Residence Suspension for a minimum of one semester
- Written parental notification

2. Students found in possession of a keg or any common source of alcohol:

Minimum Sanction First Violation:

- \$200 fine
- Student Life Probation for 15 weeks
- Written parental notification

Minimum Sanction Second Violation:

- \$300 fine
- Disciplinary Probation for 15 weeks
- Written parental notification

Minimum Sanction Third Violation:

- \$400 fine
- Residence Hall Suspension
- Parental Notification

**Subsequent violations will be evaluated by the Vice President for Students or designee and subject to student conduct hearing.**

Any violation of the alcohol policy may result in additional sanctions beyond the minimum guidelines. The Vice President for Students or designee may return a student to a previous sanction level if the student has consistently adhered to the Student Code of Conduct following the completion of any existing disciplinary sanctions.

If there are significant concerns about a student's safety and well-being related to alcohol or drugs, the College may refer them to Counseling Services for an assessment or consultation regarding their substance use.

## **SECTION II. Other Drugs**

### **A. Regulations**

1. No individual shall possess, use, be in the presence of, or have under his/her control any illegal drug, controlled substance, or prescription medication not prescribed by their health care provider. These include, but are not limited to, marijuana, cocaine and its derivatives, heroin, opiates, barbiturates, stimulants, and hallucinogens, or any other substance specifically controlled or prohibited by state or federal law.
2. The use of approved medical marijuana is prohibited at all public and private colleges according to Section 1004.8 of New York State Regulations. This includes the use of medical marijuana in residence halls. (See <https://regs.health.ny.gov/content/section-100418-prohibition-use-approved-medical-marihuana-products-certain-places>)
3. No individual shall improperly use prescription medications, over-the-counter medications, herbs and/or supplements.
4. No individual shall sell, offer for sale, give away, or otherwise attempt to distribute any illegal drug, controlled substance or prescribed medication as described above.
5. No individual shall possess, use, be in the presence of, or have under his/her control any drug paraphernalia including but not limited to, water pipes, bongs, decorative posters depicting drug use, and/or hypodermic syringes/needles not prescribed by their health care provider.
6. Public intoxication, disorderliness, or offensive behavior resulting from the use of illegal drugs, controlled substance, or prescription medication not prescribed by their health care provider are subject to disciplinary action.

### **B. Enforcement**

1. Violations of the "other drug" policy will be adjudicated as described in the Code of Conduct.
2. Any drugs or drug-related paraphernalia not permitted by the regulations will be confiscated and disposed.

### **C. Sanctions**

1. Any student who is found to have violated this policy will be subject to sanctions for the specific offense violated in accordance with the following schedule of sanctions:

#### Minimum Sanctions for First Violation:

- \$50.00 Fine
- Student Life Probation for 15 Academic Weeks
- Written parental notification
- Judicial Educator Module

#### Minimum Sanctions for Second Violation:

- \$150.00 Fine
- Guest and Visitor Policy Restriction
- Disciplinary Probation for 15 Academic Weeks
- Written parental notification
- Judicial Educator Module

Minimum Sanctions for Third Violation:

- Residence Suspension for up to one year
- Written parental notification

**Subsequent violations will be evaluated by the Vice President for Students or designee and subject to student conduct hearing.**

Any violation of the drug policy may result in additional sanctions beyond the minimum guidelines. The Vice President for Students or designee may return a student to a previous sanction level if the student has consistently adhered to the Student Code of Conduct following the completion of any existing disciplinary sanctions.

If there are significant concerns about a student's safety and well-being related to alcohol or drugs, the College may refer them to Counseling Services for an assessment or consultation regarding their substance use.

**SECTION III. Other Alcohol and Drug Information**

**a. Summary of State and Local Laws and Regulations: Alcohol and Drugs**

**1. Prohibited Sales**

**a. Alcohol Beverage Control Law:** No person shall sell, deliver or give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverages to:

any person, actually or apparently, under the age of twenty-one years;

any visibly intoxicated person;

any habitual drunkard known to be such to the person authorized to dispense any alcoholic beverages.

Violation of section 1 is a class A misdemeanor with a maximum penalty of 1 year imprisonment and/or a \$1,000 fine.

**b. NY PL Section 260.20:** § 260.20 Unlawfully dealing with a child in the first degree. A person is guilty of unlawfully dealing with a child in the first degree when:

1. He/She/They knowingly permits a child less than eighteen years old to enter or remain in or upon a place, premises or establishment where sexual activity as defined by article one hundred thirty, two hundred thirty or two hundred sixty-three of this chapter or activity involving controlled substances as defined by article two hundred twenty of this chapter or involving marijuana as defined by article two hundred twenty-one of this chapter is maintained or conducted, and he knows or has reason to know that such activity is being maintained or conducted; or

2. He/She/They gives or sells or causes to be given or sold any alcoholic beverage, as defined by section three of the alcoholic beverage control law, to a person less than twenty-one years old; except that this subdivision does not apply to the parent or guardian of such a person or to a person who gives or causes to be given any such alcoholic beverage to a person under the age of twenty-one years, who is a student in a curriculum licensed or registered by the state education department, where the tasting or imbibing of alcoholic beverages is required in courses that are part of the required curriculum, provided such alcoholic beverages are given only for instructional purposes during classes conducted pursuant to such curriculum. It is no defense to a prosecution pursuant to subdivision two of this section that the child acted as the agent or representative of another person or that the defendant dealt with the child as such. It is an affirmative defense to a prosecution pursuant to subdivision two of this section that the defendant, who sold, caused to be sold or attempted to sell such alcoholic beverage to a person less than twenty-one years old, had not been, at the time of such sale or attempted sale, convicted of a violation of this section or section 260.21 of this article within the preceding five years, and such defendant, subsequent to the commencement of the

present prosecution, has completed an alcohol training awareness program established pursuant to subdivision twelve of section seventeen of the alcoholic beverage control law. A defendant otherwise qualifying pursuant to this paragraph may request and shall be afforded a reasonable adjournment of the proceedings to enable him or her to complete such alcohol training awareness program. Unlawfully dealing with a child in the first degree is a class A misdemeanor.

## **2. Procuring alcohol for persons under the age of twenty-one years**

Alcohol Beverage Control Law: Any person who misrepresents the age of a person under the age of twenty-one years for the purpose of inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person, is guilty of an offense and upon conviction thereof shall be punished by a fine of not more than \$200, or by imprisonment for not more than five days, or by both such fine and imprisonment.

## **3. Dram Shop Liability**

Alcohol Beverage Control Law: Any person who shall be injured in person, property, means of support, or otherwise by an intoxicated person, or by reason of the intoxication of any person, whether resulting in death or not, shall have a right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication; and in any such action such person shall have a right to recover actual and exemplary damages.

## **4. Social Host Liability**

### **Orange County Social Host Law (Local Law 2 of 2016)**

#### **SECTION IV. Unlawful Consumption of Alcohol by Minor on Premises**

a. It shall be unlawful for any person eighteen (18) years of age or older who owns, rents, or otherwise controls premises, to knowingly allow the consumption of alcohol or alcoholic beverages by any minor on such premises, or to fail to take reasonable corrective action upon learning of the consumption of alcohol or alcoholic beverages by any minor on such premises. Reasonable corrective action shall include, but not be limited to: 1) making a prompt demand that such minor either forfeit the alcohol or alcoholic beverages and refrain from further consumption of the alcoholic beverages and 2) if such minor does not comply with such request, either promptly report such underage consumption of alcohol; i) to the local law enforcement agency; or ii) to any other person having a greater degree of authority over the conduct of such minor. A minor is defined, for the purpose of the Social Host Law, as a person under the age of twenty-one.

b. The provisions of this subdivision a. of this section shall not apply to: i) the consumption of alcohol or alcoholic beverages by a minor whose parent or guardian is present and has expressly permitted such consumption; or ii) the use and consumption of alcohol or alcoholic beverages by a minor for religious purposes.

#### **SECTION V. Penalties**

A violation of section four of this Local Law shall be punished as follows:

a. First Offense. Failure to comply with section four of this Local Law, for the first time, shall constitute a violation and be punishable by a fine of five hundred dollars (\$500.00). The Court shall also order the completion of an alcohol awareness program and/or appropriate amount of community service not to exceed thirty hours.

b. Second Offense. Failure to comply with section four of this Local Law by a person who has previously been found guilty of failing to comply with this law, shall constitute an unclassified misdemeanor punishable by either a fine of one thousand dollars (\$1,000.00), and a term of imprisonment not to exceed one year, or both such fine and imprisonment.

*Note: The Orange County Social Host Law provisions apply to student conduct on and off-campus. It is expected that students residing in Mount Saint Mary College housing and/or in off-campus housing be cognizant of their potential criminal liability under this statute.*

*New York General Obligations Law 11-100 and 11-101 permits right of action in any court of competent jurisdiction to recover actual damages against any person who knowingly causes such intoxication or impairment in cases when injury or death is caused by the actual intoxication or impairment of a minor.*

### **1. Using False Identification (ID):**

**a. Alcohol Beverage Control Law:** Any person under the legal age of purchase who is found to have presented or offered false or fraudulent written identification of age for the purpose of purchasing or attempting to purchase alcoholic beverages may be fined up to \$100, and/or be required to complete up to 30 hours of community service. Such a person may also be ordered to complete an Alcohol Awareness Program.

### **b. NYSPL: § 170.25 Criminal possession of a forged instrument in the second degree.**

A person is guilty of criminal possession of a forged instrument in the second degree when, with knowledge that it is forged and with intent to defraud, deceive or injure another, he utters or possesses any forged instrument of a kind specified in section 170.10. Criminal possession of a forged instrument in the second degree is a class D felony.

### **c. § 170.10 Forgery in the second degree.**

A person is guilty of forgery in the second degree when, with intent to defraud, deceive or injure another, he falsely makes, completes or alters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:

1. A public record, or an instrument filed or required or authorized by law to be filed in or with a public office or public servant; or
2. A written instrument officially issued or created by a public office, public servant or governmental instrumentality.
3. Forgery in the second degree is a class D felony.

### **2. Unlawful possession of an alcoholic beverage:**

**a. Alcohol Beverage Control Law:** No person under the age of twenty-one years shall possess any alcoholic beverage with the intent to consume the alcohol. Peace or police officers can seize and dispose of alcohol illegally possessed by minors with the intent to consume it. The maximum penalty for unlawful possession is a \$50 fine, and/or 30 hours of community service and/or completion of an Alcohol Awareness Program.

### **b. Open Container Statute from the City of Newburgh — Possession of open containers prohibited.**

*[Amended 5-23-1983]: No person shall have in his possession any open container containing an alcoholic beverage with the intent to drink therefrom on any public highway, street, parking lot, sidewalk or vacant land area of the City of Newburgh. Punishable by a fine of not more than \$250 and/or 15 days in the county jail.*

### **3. Unlawful and criminal possession**

## **New York State Penal Law Article 222 Marijuana Offenses**

### **S 222.10 Restrictions on cannabis use**

Unless otherwise authorized by law or regulation, no person shall:

1. smoke or vape cannabis in a location where smoking or vaping cannabis is prohibited pursuant to article thirteen-E of the public health law; or
2. smoke, vape or ingest cannabis or concentrated cannabis in or upon the grounds of a school, as defined in subdivision ten of section eleven hundred twenty-five of the education law or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law; provided, however, provisions of this subdivision shall not apply to acts that are in compliance with article three of the cannabis law.

**Notwithstanding any other section of law, violations of restrictions on cannabis use are subject to a civil penalty not exceeding twenty-five dollars or an amount of community service not exceeding twenty hours.**

#### **S 222.25 Unlawful possession of cannabis**

A person is guilty of unlawful possession of cannabis when he or she knowingly and unlawfully possesses cannabis and such cannabis weighs more than three ounces or concentrated cannabis and such concentrated cannabis weighs more than twenty-four grams.

**Unlawful possession of cannabis is a violation punishable by a fine of not more than one hundred twenty-five dollars.**

#### **S 222.30 Criminal possession of cannabis in the third degree**

A person is guilty of criminal possession of cannabis in the third degree when he or she knowingly and unlawfully possesses:

1. cannabis and such cannabis weighs more than sixteen ounces; or
2. concentrated cannabis and such concentrated cannabis weighs more than five ounces.

**Criminal possession of cannabis in the third degree is a class A misdemeanor.**

#### **S 222.50 Criminal sale of cannabis in the third degree**

A person is guilty of criminal sale of cannabis in the third degree when:

1. he or she knowingly and unlawfully sells more than three ounces of cannabis or more than twenty-four grams of concentrated cannabis; or
2. being twenty-one years of age or older, he or she knowingly and unlawfully sells or gives, or causes to be given or sold, cannabis or concentrated cannabis to a person less than twenty-one years of age; except that in any prosecution under this subdivision, it is a defense that the defendant was less than three years older than the person under the age of twenty-one at the time of the offense. This subdivision shall not apply to designated caregivers, practitioners, employees of a registered organization or employees of a designated caregiver facility acting in compliance with article three of the cannabis law.

**Criminal sale of cannabis in the third degree is a class A misdemeanor.**

#### **4. Sale of Marijuana**

##### **NY PL § 221.35 Criminal sale of marijuana in the fifth degree.**

A person is guilty of criminal sale of marijuana in the fifth degree when he knowingly and unlawfully sells, without consideration, one or more preparations, compounds, mixtures or substances containing marijuana and the preparations, compounds, mixtures or substances are of an aggregate weight of two grams or less; or one cigarette containing marijuana. Criminal sale of marijuana in the fifth degree is a class B misdemeanor.

## 5. Health Risks Associated with Alcohol:

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

## 6. Regional Alcohol and Drug Abuse Resources

### 1. DETOXIFICATION SERVICES

- **Garnet Health**

<https://www.garnethealth.org/services/behavioral-health/substance-abuse-treatment>

- **New Directions** at Bon Secours Community Hospital

160 East Main Street, Port Jervis, New York 12771  
845-858-7231

<https://www.bonsecourscommunityhosp.org/>

- **Honor Recovery**

38 Seward Avenue, Middletown, New York 10940  
845-343-1443/845-343-7115

<https://honorhelpingothers.org/>

### 2. Outpatient Day Rehabilitation Services

- **Orange Regional Family Program for Alcoholism and Chemical Dependency**

420 East Main Street, Middletown, New York 10940  
845-333-7819

<https://www.ormc.org>

- **RECAP Treatment Programs**

40 Smith Street, Middletown, New York 10940  
845-342-3978

<https://www.Recap.org>

Services offered: Intensive 6 hours/day 5 day/week alcohol & drug rehab program. Outpatient & residential, halfway house, individual & group therapy, films, discussions, lectures, recreation.

- **Restorative Management**

Outpatient intensive chemical dependency treatment

Middletown	342-5941
Newburgh	561-5783
Port Jervis	856-7576
Renwick Recovery	569-0775
131 Mill St. Newburgh	

### 3. DRUGS OF ABUSE

- Here is a link to the DEA Resource Guide: <https://www.dea.gov/>

### 4. OUTPATIENT SERVICES

- Orange Regional Family Program for Alcoholism and Chemical Dependency  
420 East Main Street, Middletown, New York 10940  
845-333-7818
- **Catholic Charities Community Services** Outpatient drug & alcohol abuse treatment services. Individual & group counseling. Specialized psycho-educational groups. Fee: Sliding scale, insurance, Medicaid.  
Middletown 343-7675  
Newburgh 562-8255  
Port Jervis 856-6344  
Walden 778-5628
- **Access Supports for Living** provides outpatient behavioral health therapy for co-occurring disorders and offers Medication Assisted Treatment (MAT) for opioid addiction. Bilingual services available. Medicare, Medicaid, and many private insurances accepted. Sliding scale fee available.  
<https://accessupports.org/> 1-888-750-2266
- **Alcoholism & Drug Abuse Council (ADAC)** Info & referral about alcohol & substance abuse provided. Community, school, workplace prevention training & education public awareness film, resource library.  
<http://www.adacinfo.com> 294-9000

### 5. INPATIENT SERVICES

- **Richard C. Ward Addiction Treatment Center**  
117 Seward Avenue, Middletown, New York 10940

845-341-2500

<https://oasas.ny.gov/location/richard-c-ward-addiction-treatment-center>

## 6. SUPPORTIVE HOUSING

- **RECAP/New Life Manor**  
127 Hickory Hill Road, Newburgh, New York 12550  
845-566-1224
- **RECAP**  
119 East Main Street, Middletown, NY 10940  
845-342-3978
- **Renwick Recovery, Inc.**  
131 Mill Street, Newburgh, New York 12550  
845-569-0775

## 7. SUPPORT GROUPS

- **Alcoholics Anonymous (AA)** if you want to stop drinking. This is a 24 hour/7 day a week hotline. If you are a family member or friend of an alcoholic and would like more information about Alcoholics Anonymous.  
845-534-8525  
<https://orangenya.org/contact-us/>
- **Al-Anon/Alateen** For anyone who feels his/her life is being or has been affected by someone else's' drinking.  
845-294-9999  
<https://al-anon.org/>
- **Orange County Mobile Response Team**  
<https://www.orangecountygov.com/1796/Crisis-Call-Center>

HOPE DIAL 311

# COLLEGE POLICIES

## Poster Policy

The College recognizes the need to share information about college sponsored services, activities, and events. Posters and flyers must be removed within 24 hours after a scheduled event by the office or person that posted the information and sponsored the event. Posters, signs, and announcements may be placed on fabric covered bulletin boards in all buildings, with exception of the Villa. Boards that are identified and marked for usage by a special office or program may not be used by other offices or programs. All student postings must be approved and date stamped by the Student Activities Office. Postings in residence halls are monitored by the Residence Life staff.

For the safety of the campus community, signs, posters, or announcements are generally not permitted in stairways or on exit/entrance doors to buildings, including the glass. The only exceptions are the two stairways in Aquinas Hall that lead to the third floor. Signs, posters, and announcements are permitted on the exterior wall on the intermediary landings between the ground, first, second, and third floors. Postings may not be placed on sidewalls or the areas adjacent to the doors. Large banners require the permission of the Vice President for the area and/or his/her designee, and are subject to the same requirements.

Postings should be of interest to the Mount Saint Mary College community and should not be excessively posted in one location; postings should not contain offensive language, misspelled words or otherwise be in poor taste. Consideration should be given to the size of each posting to ensure that other offices and departments have reasonable access to available space to announce their events. Unapproved postings will be removed immediately by a college official.

Repeated student violations of the posting policy should be reported to the Director of Student Engagement and other violations to the Director of Campus Events, who will initially counsel violators to ensure future cooperation. Questions about student postings should be directed to the Director of Student Engagement or for other postings the Director of Campus Events.

## Good Neighbor Policy

Living off campus is a maturing experience which carries certain responsibilities. As a student living in the community, you are a representative of Mount Saint Mary College and your conduct reflects directly on the College. It is important to understand that although the College cannot regulate what goes on in the privacy of your home, when otherwise private actions or behaviors become public and attract the attention of neighbors or others within the community, the College can become involved.

Students are expected to exercise good judgment and be sensitive to the needs of their neighbors. Rowdiness, public drunkenness, disorderly conduct and people partying outside with loud music or other noise late into the night is not acceptable in a residential community.

Party hosts put themselves in serious jeopardy when their guests act irresponsibly. As a social host, you assume all the risks associated with state and local laws regulating drinking age, noise and public safety when you host a party at your apartment or house. Court decisions have held the social host liable for personal injury and property damage caused to a third party as a result of the irresponsible service of alcoholic beverages to guests. This liability is compounded when

minors are involved.

**AS A MOUNT SAINT MARY COLLEGE STUDENT, YOU MAY ALSO BE SUBJECT TO THE STUDENT CODE OF CONDUCT RESULTING IN SANCTIONS WHEN AN OFF-CAMPUS INCIDENT OCCURS; THIS INCLUDES WHEN AN INCIDENT OCCURS AT YOUR PLACE OF RESIDENCE.**

### **Classroom/Laboratory Policy**

Unless specifically notified otherwise, smoking, food, and beverages are not permitted in classrooms and laboratory areas. Visitors, including children, are not allowed in the science laboratories without the permission of a faculty member.

All persons utilizing the MSMC laboratories will attend a laboratory safety training session and be responsible for utilizing all appropriate safety procedures and personal protective equipment when utilizing any of the lab facilities.

### **Off-Campus Social Events Policy**

Off-campus student-sponsored events involving the Mount Saint Mary College community must have at least two members of the faculty, staff, or administrators in attendance, unless otherwise approved by the Director of Student Engagement. It is the responsibility of the individual/organization sponsoring the event to arrange for this to occur and to identify those faculty/staff members and/or administrators to the Vice President of Students at least two weeks prior to the event.

In addition, the individual/organization sponsoring the event will be responsible for ensuring that all applicable fire and general safety regulations are complied with. If needed the College Safety Compliance office may be consulted with to clarify any compliance issues.

### **Credit Card Solicitation**

Mount Saint Mary College prohibits the advertising, marketing, or merchandising of credit cards on campus to students, except in cases where the College officially sanctions such action.

### **Discrimination And Harassment Policy**

Mount Saint Mary College is committed to promoting a learning and working environment where discrimination and harassment is not tolerated. This policy shall apply regardless of race, color, religion, creed, ethnicity, national origin, sex or gender, age, sexual orientation, gender identity or expression, familial status, veteran status, disability, predisposing genetic characteristics, pregnancy, domestic violence victim status, or other basis identified in federal or state law. Acts of discrimination and harassment, which are offenses directed against persons because of their actual or perceived membership in one of these categories, are prohibited under this policy. This policy prohibits discrimination and harassment on College property and in all College programs and activities. Conduct prohibited by this policy also may violate laws enforced through the public criminal justice system. Individuals may decide to utilize both this policy and the public criminal justice system, simultaneously, to address covered conduct. Mount Saint Mary College proceedings that involve alleged violations of this policy will be conducted through a process that is prompt, equitable, fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.

This policy applies to conduct involving students or third parties (e.g., contractors, alumni, visitors) that: (a) occurs on College property, (b) takes place in any College-sponsored program or activity such as travel, research or internship programs or Study Abroad or (c) when such conduct may have a continuing adverse effect or could create a hostile environment on campus. Employees are covered in the Employee Policy found in the Employee Handbook. This policy also applies to student conduct that occurs off College property or on social media and may disrupt the College community. Our commitment is rooted in the Dominican and Catholic tradition, which affirms the unique worth of each person and shares a commitment to building a world that is more just, peaceable, and humane. The dignity of the

individual should never be violated in any way, and the college community views, with seriousness, violations of this policy against any individual or group of individuals.

Accordingly, Mount Saint Mary College is committed to:

- Defining conduct that constitutes discrimination and harassment
  - Providing clear reporting options for all members of our campus and visitors following disclosing a violation of this policy. You may report a violation on the student portal at my.msmc.edu.
  - Promptly responding to and investigating allegations of discrimination and harassment, including taking steps to eliminate a hostile environment if one has been created and prevent the recurrence of future incidents of discrimination and harassment. The College’s response may include pursuing disciplinary action when appropriate, referring the incident to local authorities when appropriate, and taking action to investigate and address any allegations of retaliation
  - Providing ongoing assistance and support to members of our campus who file complaints of discrimination and harassment
  - Providing awareness and prevention information on discrimination and harassment, including disseminating our policies.

### **Service Animal Policy**

Mount Saint Mary College is committed to providing access to its programs and services to all members of the campus community inclusive of individuals with disabilities. Mount Saint Mary College follows the Americans with Disabilities Act Amendments Act (ADAAA) and the most up-to-date guidance from the Department of Justice (DOJ) with regard to service animals on campus. In accordance with ADAAA and DOJ, Mount Saint Mary College notes the following regarding persons with disabilities who bring service animals to campus, including Campus Housing. Students are asked to report their service animal to the Office of Disability Services.

” **Service animals,**” as defined by the Americans with Disabilities Act Amendments Act (ADAAA), are dogs individually trained to do work or perform tasks for people with disabilities. Service animals are working animal, not pets and must be treated as such in the College setting. Service animals are to be cared for properly under the ADAA guidelines/guidance. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADAAA guidelines.

Examples of the work or tasks of service animals includes, but is not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

If the animal meets the ADA definition of a service animal (i.e., a dog trained to perform service tasks), then the student may be asked two questions:

- (1) Is this a service animal that is required because of a disability? and
- (2) What work or tasks has the dog been trained to perform?

**The student should contact the Office of Disability Services as soon as s/he is aware of plans to bring a Service Animal to campus to find out the necessary process and to register with the Office of Disability Services.**

**Please note that animals that do not serve as Service Animals may be restricted from Campus or only permitted in designated areas.**

## Emotional Support Animal Policy

Applicable laws:       ADA  
                              504 of the Rehabilitation Act of 1973  
                              Fair Housing Act

Mount Saint Mary College (the “College”) is committed to granting reasonable accommodations to its rules, policies, practices, or services when such accommodations may be necessary to provide students with documented disabilities an equal opportunity to use and enjoy resident housing, as required by federal, state, and local law.

**Definition:** As defined by the Fair Housing Act, an emotional support/therapy/assistance animal may provide physical assistance, emotional support, calming, stability, and other kinds of support. The presence of the animal must be necessary in order to provide the resident with a disability the use and enjoyment of the dwelling. There must be an identifiable relationship or nexus between the disability and the assistance or support the animal provides. Emotional support/therapy/assistance animals do not perform work or tasks that qualify them as “Service Animals” under the Americans with Disabilities Act.

Students who are in need of an Emotional Support Animal (“ESA”) in residence must first seek approval through the Office of Disability Services prior to bringing the ESA to campus. An ESA is one that can be kept in the residence hall as prescribed for a person with a disability as a reasonable accommodation to provide them an equal opportunity to access College housing.

Once approved, the Office of Disability Services will notify the Office of Residence Life, in writing, of the approved accommodation. Residence Life will work with the Office of Disability Services to identify the living arrangement that best suits the documented needs related to the ESA. Students should be aware that housing options may be more limited as the College must balance appropriate accommodations with the interests of students who may have severe allergies, fear of animals, etc., as well as ESA size, past documented behavior, and other pertinent characteristics. Advance notice of the need for an ESA is essential in order for the College to provide an environment that accommodates the needs of all resident students. Approval of the ESA is for one academic year, unless otherwise stated, and must be renewed annually through the Office of Disability Services. Once this request is approved through the Office of Disability Services, students must sign the Emotional Support Animal Contract prior to the beginning of the semester. This contract will be sent to you from the Office of Disability Services.

Directions for requesting housing accommodations through the Office of Disability Services can be found at:

<https://www.msmc.edu/life-at-the-mount/health-wellness/disability-services/>

## LEAVE OF ABSENCE POLICIES

Mount Saint Mary College is committed to the academic success and personal growth of its students. As part of that commitment, MSMC is dedicated to providing a safe learning and working environment for all students, faculty, staff and other members of the College community. On occasion, a student may experience a medical situation that significantly limits her or his ability to function successfully or safely as a student, or the student is so severely disruptive as to interfere with the academic pursuits and other activities of the College community. In such situations, the safety and security of the entire campus community, including the individual student, is paramount and the College will take appropriate action in accordance with this Policy.

In addition to taking action to protect the security and safety of the campus community, the College may address the student’s conduct to determine if action under the Student Code of Conduct is warranted.

## Medical Leave of Absence Policy

Medical Leave is an authorized absence from the College for medical or mental health reasons. During medical leave, students cannot attend classes and are required to not be on College property or attend College events. Students on medical leave are expected to focus on the evaluation, treatment and/or management of the illness or condition which necessitated the leave. The College's Director of Health Services or designee coordinates all medical leaves for students under their care/purview and for any physical health related conditions. Similarly, the College's Director of Counseling or designee coordinates medical leaves for students who will be absent for mental health reasons. When a medical leave is approved the Office of the Assistant Vice President for Students or designee will be informed and will contact the required faculty and administrators via email. Details of the absence are not released, unless required below, to faculty members or administrators in order to maintain confidentiality of the student's private medical information.

This policy is intended to provide supportive intervention for students experiencing medical or mental health related issues. To the extent that a student's safety is at risk, efforts to safeguard the student takes precedence over maintaining the student's confidentiality during the event of an acute mental health or medical emergency. In these situations, information deemed relevant to a student's safety may be released to those who have a compelling reason or those who have a legitimate educational purpose to have the information because of the role they are playing in safeguarding the student. The response to student crises should be proportional to the risks posed to or by the individual. The College reserves the right to place the student on involuntary medical leave. This does not prohibit the College from taking other action(s) as deemed necessary including, but not limited to, relocation, restriction(s) and/or suspension from housing.

### A. Voluntary Medical Leave:

1. A student may request voluntary medical leave if the student has a medical or mental health condition that necessitates their absence from the College.
2. The student must submit documentation of the nature of the medical condition to the Director of Health Services or the Director of Counseling Services for review. Students may be required to sign a Release of Information Form to allow the appropriate College officials to speak with the student's personal treating physician or licensed mental health professional.
3. The case will be reviewed by the Director of Health Services or Director of Counseling or designee. Once a decision is made, the Office of the Assistant Vice President for Students or designee office will be notified.
4. The Office of the Assistant Vice President for Students or designee will notify the student's instructors, the Director of Residence Life (if a residential student), Academic Affairs, and other relevant offices or designees that the student is on medical leave.
5. If the student chooses not to return to the College, the Assistant Vice President for Students or designee will inform the student of the withdrawal process for medical reasons and review the potential return requirements and timelines, with the student

### B. Involuntary Medical Leave:

1. A determination of involuntary medical leave will be based upon an individualized assessment of safety or public health reasons, including communicable disease or when the student is at risk to self or to the community. The Director of Health Services or Director of Counseling or either Director's designee will determine if a student should be placed on involuntary medical leave. The Director of Health Services or Director of Counseling or designee when a student is placed on involuntary medical leave, will notify the Office of the Assistant Vice President for Students or designee, who will notify the student's instructors,

the Director of Residence Life (if a residential student), Academic Affairs, and other relevant offices or designees that the student is on medical leave. A student may be placed on involuntary medical leave, including but not limited to, the following situations:

- a. It has been determined by Health Services clinician (MD, PA or NP) that the student requires more intensive medical care than can be provided in an ambulatory setting.
  - b. The student has a medical condition that requires isolation from the College community for safety or public health reasons, such as a communicable disease or if the student is at risk to self or others.
  - c. The student does not follow the reasonable guidelines/requests of College professionals, creating a situation where (1) the student or others are placed at risk; or (2) the College is unable to assess their risk for the safety of themselves or others.
  - d. The Director of Counseling through either an individualized risk assessment and/or the totality of the circumstances regarding the mental health of the student determines that the student has engaged in, or is likely to engage in (a) conduct that poses a direct threat to their own health or safety, or that of others, or (b) conduct that significantly interferes with their ability to function in an academic and/or residential setting or seriously disrupts the academic or residential environment of others.
  - e. The student is admitted to a medical or mental health treatment facility. (See note below)
2. The College will place the student on involuntary medical leave, effective immediately.
  3. Students on involuntary medical leave may not attend any classes or be on College property (including but not limited to campus housing) or attend College events during the term of the medical leave.
  4. Students on involuntary medical leave must leave campus and remain off campus until they are cleared to return by the Director of Health Services or Director of Counseling Services (or designee) in consultation, if necessary, with the Assessment Care Team, and the Assistant Vice President for Students or designee.
  5. The office of the Assistant Vice President's or designee will notify the student's instructors, the Director of Residence Life (if a residential student) Academic Affairs, and other relevant offices or designees that the student is on medical leave.
  6. The College may establish a list of criteria, besides the recommendation of a mental health practitioner, that must be completed/followed in order for a student on involuntary leave to be considered for return.
  7. The student is responsible for coordinating and following-up medical care for physical or mental health concerns, if advised to do so by Health Services or Counseling Services professionals.
  8. If the student chooses not to return to the College, the Assistant Vice President of Students or designee will withdraw the student for medical reasons and review this process, as well as potential return timelines, with the student.

Note: A student, who is assessed at a hospital, or by the Crisis Team or other medical/mental health facility due to a mental health crisis and released without hospitalization, will meet with the Director of Counseling or designee on the next business day or as soon as reasonably possible following the crisis to develop a continuity of care/ support plan. The student will be required to meet with the Director of Student Conduct to address any behaviors associated with the event that may have violated the student Code of Conduct, if applicable. A common component for support includes a referral to Counseling Services. Students are strongly encouraged to sign a release of information form with their personal treatment facility/provider and Counseling Services to facilitate continuity of care.

C. Process for Return/Readmission from Medical Leave:

1. When the leave is for medical reasons:

- a. The Director of Health Services (or designee), in consultation with the Assistant Vice President for Students (or designee), when deemed necessary, will make the final decision as to whether the student will be permitted to return from medical leave.
- b. The student is required to submit documentation from their provider to Health Services in which the provider recommends that the student resume college studies and stating any other pertinent medical information, including specifying any accommodation requested of the College. If the student was admitted for inpatient treatment, they may be asked to submit to Health Services a copy of the discharge plan, as well as a signed release of information form to allow the appropriate College officials to speak to the primary provider.
- c. The College will review the recommendations of the primary provider and determine if the recommendations regarding further care can be accommodated.
- d. Under certain circumstances (e.g. an extended voluntary absence or any involuntary leave), a student may be required to meet with the Assistant Vice President for Students or designee or prior to being permitted to return to the College to discuss the terms of the students return, and, if appropriate, discuss continuing treatment plan for the student. The Assistant Vice President for Students or designee may also address any behaviors associated with related incidents that may have violated the Student Code of Conduct.
- e. Students who fail to comply with this medical leave of absence policy, which includes leaving campus and not returning until their return is approved, may be subject to disciplinary action, up to and including dismissal from the College.

2. When the leave is for mental health reasons:

- a. The student will be required to submit documentation from their provider in which the provider recommends that the student resume college studies and stating any other pertinent medical information, including specifying any accommodation requested of the College. If the student was admitted for inpatient treatment, they may be asked to submit to the Director of Counseling a copy of the discharge plan, as well as a signed release of information form to allow the appropriate College officials to speak to the primary provider.
- b. The Director of Counseling will review the recommendations of the primary provider and determine if the recommendations regarding further care can be accommodated.
- c. Please be aware, the College may have established other criteria at the time of the involuntary leave that must be followed/completed prior to the student being able to return to the College.
- d. The Director of Counseling (or designee) in consultation with the Assistant Vice President for Students (or designee), when deemed necessary, will determine whether the student will be permitted to return from involuntary leave. Once a decision is made the student will be informed.
- e. The student will be required to meet with the Director of Counseling or designee prior to being permitted to return to the College to discuss the terms of the student's return, and if appropriate, discuss continuing treatment plan for the student (e.g. a student admitted for inpatient treatment at medical or psychiatric treatment facility).

- f. Students who fail to comply with this medical leave of absence policy, which includes leaving campus and not returning until their return is approved, may be subject to disciplinary action, up to and including dismissal from the College.

D. Disciplinary Action

Nothing in this Policy precludes the College from bringing a separate action for the underlying behavior of the student pursuant to the Student Code of Conduct, irrespective of whether voluntary or involuntary removal takes place.

E. Interim Removal

If a student's behavior presents an immediate and severe threat to the health or safety of anyone on campus, or is substantially disrupting the learning or working environment of others, the Vice President for Student Affairs or designee (if such Officer is not immediately available) may direct an emergency interim removal of the student that restricts the student's access to the College's campus or residence hall, as appropriate, for an interim period before a final determination of the matter by the Director of Health Services (or designee), the Director of Counseling (or designee), or the Assessment and Care Team.

F. Appeal

If a student is placed on an Involuntary Leave, the student may submit a written appeal within two weeks of receiving the decision to the Assistant Vice President for Students, whose decision on appeal will be final. The bases for overturning a decision are limited to the following: (i) clearly erroneous factual findings; (ii) procedural irregularities; (iii) newly available evidence that would have affected the decision to place the student on involuntary leave; and/or (iv) the conditions for re-entry were unreasonable and did not relate to the behaviors of the student.

NOTE: The College **does not** notify professors or College offices regarding absences of three days or less. Students will be expected to contact their professors directly about these brief periods of missed coursework. If a student has medical or mental health reasons that require more than three days absences, but is not in need of a medical leave, please contact the appropriate department (Health Services or Counseling) to determine a plan for support.

## Medical Amnesty Policy

The College's regulations governing the use of alcohol and drugs are designed first to ensure the personal health and safety of each member of the Mount Saint Mary College community. In addition, these regulations are intended to foster an environment that facilitates student learning, promotes sound judgment, respect for the rights of others, and acceptance of personal responsibility for one's behavior. Student health and safety are of primary concern at Mount Saint Mary College. The College recognizes that there may be times when students face medical emergencies involving excessive drinking and/or drug use. If a MSMC student seeks medical attention through the College and/or 911 (for themselves or for another) due to a medical emergency, disciplinary action will not be taken against the student for consumption or possession of alcohol or drugs. Please be aware that such Medical Amnesty does not preclude disciplinary sanctions due to any other violation of the Student Code of Conduct. In addition, Medical Amnesty applies solely to the MSMC student discipline process. The College has no ability to provide amnesty to enforcement actions initiated by the police, other law enforcement personnel, or other third parties, including criminal or civil proceedings.

The student(s) requesting Medical Amnesty will be required to meet with a member of the Student Affairs staff and may be expected to complete a MSMC judicial referral course on alcohol and/or drug use education program or another educational program before amnesty will be granted. The student seeking medical attention has full responsibility for all costs associated with medical treatment, including, but not limited to, hospital transportation, treatment, assessment, or damage. The College also reserves the right to notify a student's emergency contact.

Medical Amnesty is not intended to be used frequently. For students who have been involved in prior alcohol/drug incidents and/or utilized Medical Amnesty in the past, a member of the Student Affairs Office will evaluate the request for Medical Amnesty and make a determination whether to provide Medical Amnesty on a case-by-case basis. The College reserves the right to deny such a request.

### **Preferred Name Policy**

Mount Saint Mary College is committed to fostering a campus inclusive and respectful of all students, faculty, and staff. The college recognizes that some students and employees may prefer to be known by a name other than their legal name.

If requested, the college will strive to use an individual's preferred name on all internal documents. Internal documents include: email, the college's online campus directory, class rosters, faculty grade forms, course schedules, and college photo ID's.

The college will continue to use an individual's legal name when it is required by law or to comply with industry standards and/or business requirements. Accordingly, legal names will appear on all external reports and many official documents, including but not limited to, college payroll records, accounts payable, financial aid documents, student billing, \*athletic rosters, student loan documents, medical records, tax forms (i.e. W2, 1099), transcripts, diplomas, federal immigration documents, visas, etc.

Students requesting to use a preferred name should contact the Registrar's office. Faculty and staff requesting to use a preferred name should contact the office of Human Resources. These forms are available on the MSMC portal.

The college will make its best effort to handle each request with sensitivity and, to the extent possible, confidentiality.

The college reserves the right to reject the use of a preferred name if it is inappropriate or offensive.

\*If you are a student-athlete and the name change is necessary per NCAA rules on an athletic roster, please contact the Director of Athletics.

### **Tobacco-Free Environment Policy**

1. Smoking and/or the use of tobacco products is prohibited in the interior of all buildings, residences, including residence halls and housing on the campus and in buildings owned or leased by the College and in campus-owned, leased or rented vehicles. Use is also banned within 20 feet of any building. This applies to any outdoor gathering, seating, serving areas or eating facilities, including athletic fields and within 20 feet of same.

2. This policy applies to all faculty, staff, students, contractors, and visitors. The policy is in effect twenty-four hours a day, seven days a week.

3. For the purpose of this policy, smoking is defined as, but not limited to: inhaling, exhaling, burning or carrying any lighted product including but not limited to cigarettes (cloves, bidis, and kreteks), e-cigarettes, cigars, cigarillos, pipes and hookah-smoked products.

### **COMPLIANCE**

The implementation of this policy depends upon the courtesy, respect, and cooperation of all members of the community.

This policy shall be included in the student, staff, and faculty handbooks, new employee and student orientation programs, in admission application materials, and other campus documents where appropriate.

Campus Security & Safety, as well as college personnel, will assist in the education and enforcement of this policy.

Violations of the policy will be directed to the responsible person:

- Resident students will be educated and if necessary disciplined by residence life personnel.
- Faculty, staff, and administrators must comply as a condition of employment.
- Commuter students will be educated and if necessary sanctioned by members of the staff in student affairs.
- Faculty, staff, administrators, and students are responsible for their own guests.
- Any unattended guests will be educated by the host and/or Safety & Security.

### **Technology Acceptable Use Policy**

The purpose of this policy is to provide guidelines for the acceptable and ethical use of information and learning technology resources at Mount Saint Mary College. Information and learning technology includes, but is not limited to: laptops, desktop computers, workstations, network servers, software, digital information, voice, video/data networks, classroom media, and instructional technology. This policy is supplemented by all other college policies and by the policies of those networks to which Mount Saint Mary College is affiliated. All existing laws (federal, state, and local) and College regulations and policies apply, including not only those laws and regulations that are specific to computers and networks, but also those that may generally apply to personal conduct.

This policy can be found on the MSMC portal under the Resource Tab -

[https://portal.msmc.edu/ICS/Resources/Student\\_Resources.jnz](https://portal.msmc.edu/ICS/Resources/Student_Resources.jnz)

### **College Policy Regarding Use of Copyrighted Materials**

The office of Academic Affairs requires faculty, staff, and students to comply with the “Fair Use” standards of Section 107 of the Federal Copyright Law Revision of 1978 and the Technology, Education, and Copyright Harmonization Act of 2002.

“Fair Use” is determined by the following factors:

- The purpose and character of use, including whether such use is of commercial nature or is for nonprofit educational purposes.
- The nature of the copyrighted work.
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
- The effect of the use upon the potential market for or value of the copyrighted work.

“Fair Use” allows copying for teachers (including multiple copies for classroom use), scholarship, or research. The law, however, restricts copying of a given item by each instructor to one course in the school. Other limitations are that copies **may not**:

- Be used to substitute for anthologies, compilations or collective works.
- Be made of consumables, such as workbooks.
- Be a substitute for purchases.

Of special significance is the requirement to obtain permission to copy before using copyrighted materials except instances in which the “Fair Use” standards are applicable.

The limitations and conditions set forth here and, in the law, do not apply to works in the public-property rights that belong to the community at large such as United States or New York Government works or works on which copyright has expired or for which there are no copyright restrictions. Also, license agreements may govern the uses of some works and the users should refer to the applicable license terms for guidance. The Technology, Education, and Copyright Harmonization Act of 2002 (“TEACH ACT”) works in conjunction with the fair use and expands the requirements of the law to teach students at a distance via electronic means.

The TEACH ACT requirements that fall in purview of the instructor are as follows:

- a) The work to be transmitted electronically is one of the following:
  - A performance of a non-dramatic literary work; or a performance of a non-dramatic musical work; or a

performance of any other work, including dramatic works and audiovisual works, but only in “reasonable and limited portions” or display in an amount comparable to that which is typically displayed in the course of a live session.

- b) The work is not marketed primarily for performance or display as part of digitally transmitted mediated instructional activity.
- c) The work to be used is not a textbook, course pack, or other material in any media which is typically purchased or acquired by students for their independent use and retention.
- d) The performance or display is:
  - Made by, at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic, mediated instructional activities of the educational institution;
  - Is directly related and of material assistance to the teaching content of the transmission; and
  - The instructor does not know or have reason to believe that the copy of the work to be transmitted was not lawfully made or acquired.
- e) If the work to be used has to be converted from print or another analog version to digital format:
  - The amount of the work converted is no greater than the amount that can be lawfully used for a course; and
  - There is no digital version of the work available to the institution or the digital version available to the institution has technological protection that prevents its lawful use for the course.

The TEACH ACT requirements that fall in purview of the College include the following:

Mount Saint Mary College will provide information describing and promoting United States copyright laws in faculty and student handbooks, as well as other publications both printed and electronic.

Mount Saint Mary College through its system of class registration has limited the electronic transmission to students officially enrolled in the courses for which the transmission is made.

Mount Saint Mary College directs all faculty and staff to comply with the following TEACH ACT requirements:

1. Take technological measures to reasonably prevent both retention of any work in accessible form by students for longer than the class session; and unauthorized further dissemination of the working accessible form by such recipients to others.
2. Avoid any conduct that could reasonably be expected to interfere with technological measures used by copyright owners to prevent retention or dissemination of their works.
3. Store works on a system or network in a manner that is not ordinarily accessible to anyone other than anticipated recipients.
4. Maintain copies of works on a system or network in a manner that is ordinarily accessible only for a period that is reasonably necessary to facilitate the transmissions for which it is made.
5. Use and retain copies of the work solely for use as part of the educational mission of the College.

## ACADEMIC POLICIES

### Add/Drop Policy

The add/drop period allows students the opportunity to alter their schedule without incurring a notation on their transcript or being charged tuition. For traditional courses, this period extends for the first week of the semester. For accelerated courses, this period ends after the first week of the class. Requests to add a course will not be considered after the second week of the semester or course. See the Academic Calendar for specific add/drop dates. Students may not attend classes for which they have not officially registered. Students who attend class without the proper authorization from the Registrar will not receive a grade or credit for the class. A student can add or drop courses via the

campus web module, or by emailing your request to registrar@msmc.edu by the specified deadline. All emails must come from your MSMC email address. Not attending a class does not, by itself, constitute an official drop from that course. To officially drop a course, students must use the campus web module or email registrar@msmc.edu by the specified deadline. Failure to take the appropriate action will result in a failing grade and a financial penalty. After the end of the add/drop period students still have the opportunity to withdraw from a class without incurring an academic penalty. See the withdrawal policy below for further details.

### **Withdrawal From a Course**

Students must submit a withdrawal slip or email registrar@msmc.edu from their MSMC account to the Registrar to be dropped from a class and reduce the financial obligation. The date of withdrawal submission to the Registrar will determine any reimbursement. When a student withdraws during the period starting with the second week of class and ending three weeks after the mid-semester date, the symbol W will be entered on the individual's transcript. No credits or quality points will be given for the course work. When a student withdraws after the above period, the grade F will be entered on the individual's record.

### **Withdrawal From the College**

There may be times when a student feels uncertain about continuing his/her academic experience at Mount Saint Mary College. Such feelings need to be considered carefully and may be discussed with the student's academic advisor and/or a counselor. Often these feelings arise as a result of a situation in the student's academic or personal life that can be resolved.

If a student determines, however, that withdrawal from college, either temporarily or permanently, is the best course of action, the student must complete the electronic withdrawal form located on the student portal. This electronic form will notify the appropriate offices. The College refund policy concerning the refund of tuition and fees is listed in the college catalog. The withdrawal form is not official until the withdrawal form is completed and submitted to the Registrar's Office.

Note: If withdrawing after the last day to withdraw without academic penalty (as set forth in the Withdrawal from a Course policy section above), students will receive "F" grades for all classes, and may be subject to academic probation or dismissal.

# HOUSING POLICIES

## Room Search, Vehicle Search, and Confiscation Policy

The Vice President for Students and/or designee may authorize a search of any College-owned property or vehicles on College premises under the following conditions:

- When there is reasonable suspicion to believe that a violation of law or college policy has occurred or is occurring.
- When there is imminent danger to the life, safety, or health of an individual or to college property.
- When exigent circumstances exist.

Searches authorized by the Vice President for Students and/or designee will be conducted by at least two professional staff members, preferably one member of the Residence Life staff, and one representative from the Security & Safety staff. Prior to the search, the items suspected of being in violation of law or college policy should be clearly defined and the search should be limited to those areas that can reasonably contain such items. The room resident or owner of the vehicle should be present during the search. The search may be delayed pending the arrival of the resident or owner; however, in cases where a serious delay in arrival of the resident or owner or inability to contact the resident or owner may compromise the intent of the search and possibly result in the destruction of evidence or where the investigation may be seriously compromised, the search may be conducted without the resident or owner. In those cases, an independent witness can be used if deemed appropriate, and a note will be left to inform the resident of the room search. Residents will be asked to assist in the search by opening drawers and other containers. Owners of the vehicle will be asked to do the same. Lack of cooperation will result in the college official accessing those areas and items. In all cases, items that are deemed to be a violation of law or college policy will be confiscated, inventoried, and vouchered for possible use in an administrative or criminal hearing.

## Guests And Visitation Policy

It is considered a privilege to have guests and visitors in the residence halls. The College values a student's privacy before the privilege of visitation/guests. The privacy of the roommate will take priority over a guest/visitor. Residence Life staff and/or security personnel reserve the right to deny guest pass requests, to ask visitors/guests to leave, or to close off a residence hall to guests/visitors when deemed necessary for the safety and welfare of the residents. No overnight guests/visitors are permitted during the first week of each semester. No overnight guests/visitors are permitted during the last week of classes through the end of each semester. No outside guests are permitted in the residence hall when classes are not in session or during orientation.

No guests/visitors under 18 are permitted to visit the residence halls without prior written approval from the Residence Life Office. The only exception is during the special college-sponsored weekends of Alumni and Family Weekend. During those events, all guests under 18 are required to register for housing with the Student Activities Office.

Herein, a guest is defined as anyone who is not currently enrolled as a Mount Saint Mary College student. A visitor is defined as a current Mount Saint Mary College commuter student or a residential student visiting a hall other than his or her own. A host is defined as the resident student who registers the guest or visitor and therefore takes responsibility for the guest or visitor.

### A. COHABITATION

There is no overnight, opposite sex visitation anywhere on campus, regardless of class status. If a student wishes to have a guest of the opposite sex stay overnight, a host of the same sex as the guest must be obtained.

### B. HOST RESPONSIBILITIES

Host must remain with his/her visitor/guest at all times.

Host will be held accountable along with the visitor/guest for inappropriate conduct.

Host must return to the point of registration with the visitor/ guest to sign out.

### C. FRESHMAN VISITATION POLICY

Mount Saint Mary College strives to provide a safe and supportive environment for our resident students. Research shows that the freshman year is a pivotal and critical time, as new social bonds are formed, and student's transition to college life. The Mount's Residence Life program provides support and structure for freshmen to promote a successful college experience, including these residence hall policies:

1. Freshman residence halls are single sex by floor or wing.

Any student request for different accommodations will be managed on a case-by-case basis. All such requests should be made in writing to the Director of Residence Life. (This does not include medical accommodations. Please see section B5 in Housing Requirements for instructions on how to request medical accommodations)

2. Freshman Curfew. To provide the initial support often needed by freshmen, MSMC instills the guidelines of curfew to help them learn to adjust to group living away from home and to accept the responsibilities of being a college student. All resident freshmen are required to be within their assigned residence halls as follows:

Sunday through Thursday: 1:00 am-6:00 am (First year resident students must be in their building by 1:00 am)

Friday and Saturday: 3:00 am-6:00 am (First year resident students must be in their building by 3:00 am)

Violations of Freshmen Curfew: Students who fail to comply with the policy will be subject to a multi-step discipline process.

First Offense: Student has an educational meeting with the building Resident Director.

Second Offense: Written reprimand in student's judicial file and completion of Judicial Educator Module assigned by building Resident Director.

Third Offense: Meeting with the Director of Residence Life and student incurs a \$25 fine on his/her MSMC Student Account.

Subsequent offenses will result in the student being placed on student life probation or higher, which includes the parental notification policy and a \$25 fine for each occurrence.

3. Visitation hours for Sakac Hall and for freshmen visiting upper-class areas:

Sunday through Thursday: 11:00 am-11:00 pm

Friday and Saturday: 11:00 am-1:00 am

a. All guests and visitors must be properly registered. Registration for individuals visiting Sakac Hall is done at the Security Desk.

b. Daytime guest passes will be issued daily from 11:00 am-11:00 pm. Overnight guest passes will be issued daily from 11:00 am-9:00 pm. No overnight guest passes will be issued after 9:00 pm.

c. The guest/visitor must be signed in with the host present at the Security Desk at the time of guest registration. Residents must show his/her College ID in order to register a guest/visitor.

d. Guests (non-MSMC person) must show and leave proper identification (photo ID) and provide the following information: guest's name and home address and an emergency contact phone number in order to receive a guest/visitor pass.

e. When a host student wishes to have a visitor, he or she must report to the Security Desk at the appropriate building with their respective visitor. The host student will swipe their MSMC identification card, followed immediately by the visitor student (this swipe should come up as invalid access level.) Both the host and the visitor's MSMC identification cards will then be turned over to the officer at the security desk. When the visitor student is prepared to leave the building, their respective host will accompany them to the desk and the same process will be repeated. Security will return their MSMC identification cards. The host will swipe first, and the visitor will swipe immediately after. This will create an accurate record of host and visitor if questions arise in the future. This process will be repeated each time the host and visitor enter and/or leave the building.

f. Guests must carry a guest pass with them at all times. Overnight guest passes are valid for 48 hours from the time of issue.

g. Guests must be escorted by their hosts to visit any other area in the hall or campus.

h. All floor, hall, and College rules apply to visitors/guests.

i. A resident may host one or two guests/visitors for up to 48 consecutive hours within a seven-day period. Guests/visitors will be limited to two days in a seven-day period.

j. When signing out, BOTH the host and the guest/visitor must return to the Security Desk where they registered, return the guest pass, and pick up the ID card or license.

k. Guest passes must be furnished to enter college-sponsored events.

l. Hosts of guests assume responsibility for the behavior of guests and also incur costs for any damages that may be caused by a guest.

m. At the end of visitation hours, Residence Life staff will do a final check to ensure all guests/visitors have left the buildings. The RA will go to the check in/out points to see if any IDs have been left. If so, they will go to the rooms in question to escort guests/visitors out. At this time, the RA will notify the resident and guest(s) of a violation of the guest policy. The College reserves the right to enter and inspect any residence hall room.

#### D. UPPERCLASSMEN VISITATION POLICY

For upperclassmen visiting the College Courts, the Dominican Center and Elmwood Place

Hours of visitation

Sunday through Thursday: 11:00 am-1:00 am

Friday and Saturday: 11:00 am-3:00 am

Upperclassmen visiting Sakac Hall must adhere to the freshman visitation hours as listed in the freshman visitation policy.

Registration for guests visiting the College Courts, Dominican Center or Elmwood is done at Sakac Hall and GA1. At either of these locations the following must occur:

a. Daytime guest passes will be issued daily from 11:00 am–11:00 pm. Overnight guest passes will be issued daily from 11:00 am–9:00 pm. No overnight guest passes will be issued after 9:00 pm.

b. The guest must be signed in with the host present at the security desk at the time of registration. Residents must show his/her college ID in order to register a guest.

c. Guests (non-MSMC person) must show and leave proper identification (photo ID) and provide the following information: guest's name and home address and an emergency contact phone number in order to receive a guest pass.

- d. A visitor (fellow MSMC student) must swipe in with a current MSMC student upon entering the building.
- e. Residents may host one or two guests/ visitors for up to 48 consecutive hours within a seven-day period. Guests/visitors will be limited to two days in a seven-day period per resident.
- f. Guests must be escorted by his/her host to visit any other area in the hall or campus.
- g. All floor, hall, and college rules apply to visitors/guests. Any MSMC student visiting another MSMC student is expected to adhere to all college policies and can be held accountable through the college judicial system.
- h. A resident may only host two guests at one time.
- i. When signing-out, the host and the guest must return to the security desk where they registered, return the guest pass, and pick up the ID card or license.
- j. Guest passes must be furnished to enter college-sponsored events.
- k. Hosts of guests assume responsibility for the behavior of guests and also incur costs for any damages that may be caused by a guest.
- l. The College reserves the right to enter and inspect any residence hall room.

### **Lofting, Bunking, And Bed Raising Policy**

The general purpose of this policy is to provide the proper procedures pertaining to the use of college provided lofts, bunk beds, and raised beds by residents who are living on campus.

Upon request, lofting, bunking, and bed raising is permitted in the residence halls, with the use of college provided furniture. Lofting, bunking, and bed raising can only be completed by MSMC Facilities maintenance staff. Personal lofts, personal bed raisers, or attempting to bunk the beds on your own is not allowed. Use of non-college sanctioned or provided furniture is not allowed in the residence halls.

Loft kits and Raised beds provide more space under your bed for storage or furniture. Bunked beds provide more space in your room for whatever you might need. Whether or not you opt to loft your bed, each bed frame offers choices of bed height, in most cases three options. The highest of these, puts the bed about 36" off the floor, which provides a good deal of extra space for dressers, mini-fridges, athletic equipment, suitcases and other storage needs.

#### **LOFT**

- The college has a limited number of loft kits that may be requested for use during the school year. These loft kits are available on a first come, first served basis.
- To request a loft kit, please stop by the work order table on move-in day or email your Resident Assistant prior to the furniture request deadline. You will need to provide your name, building and room number, which height you would like your loft set at, the side of the room on which you would like the bed (i.e. if you are standing in the doorway looking into your room, would you like your loft on the left or the right?), a phone number to reach you and an email address.
- Please understand that simply emailing does not guarantee that you will receive a loft kit.

#### **LOFT ASSEMBLY AND RULES**

- The MSMC Facilities Department sets up all lofts to ensure that they are put together safely. You do not need to be in your room for your loft kit to be installed, but please make sure the area under your bed is clear.
- Two guardrails and a safety rail are required on lofted beds and cannot be removed as long as the bed is lofted.
- We do not provide you with a ladder to get into your bed. The ends of your bed can be used to climb onto the bed.

- No furniture can be removed from the room.
- No modifications to these units will be permitted. Under no circumstances will any part of these units be removed for storage or use elsewhere.
- Lofts cannot obstruct fire safety equipment such as smoke detectors and sprinklers.
- Lofts cannot obstruct doors. A clear path to the door must be maintained.
- No electric appliances or cords may be attached to, hung on, or draped over or near a loft.
- Giving your unwanted loft kit or parts of the kit to other students is prohibited.
- Once you have received the loft kit, you are held responsible for it.

#### BUNKED BEDS

- All of the beds on campus have the ability to be bunked.
- To request your beds be bunked, please stop by the work order table on move-in day or email your Resident Assistant prior to the furniture request deadline. You will need to provide your name, building and room number, the side of the room on which you would like the beds to be bunked on (i.e. if you are standing in the doorway looking into your room, would you like your beds on the left or the right?), a phone number to reach you and an email address.

#### BUNK BED ASSEMBLY AND RULES

- The MSMC Facilities Department sets up all bunked beds to ensure that they are put together safely. You do not need to be in your room for your beds to be bunked, but please make sure the area around the bed is clear.
- A safety rail is required on upper bunks even if you do not plan to sleep in the top bunk.
- We do not provide you with a ladder to get into your bed. The ends of your bed can be used to climb onto the bed.
- No modifications to these units will be permitted. Under no circumstances will any part of these units be removed for storage or use elsewhere.
- Bunk beds cannot obstruct fire safety equipment such as smoke detectors and sprinklers.
- Bunk beds cannot obstruct doors. A clear path to the door must be maintained.
- No electric appliances or cords may be attached to, hung on, or draped over or near a loft.

#### RAISED BED

- All of the beds on campus can be raised or lowered.
- To request that your bed be raised, please stop by the work order table on move-in day or email your Resident Assistant prior to the furniture request deadline. You will need to provide your name, building and room number, which height you would like your bed set at, the side of the room on which you would like the bed (i.e. if you are standing in the doorway looking into your room, is your bed on the left or the right?), a phone number to reach you and an email address.

#### BED RAISING PROCESS

- The MSMC Facilities Department raises and lowers the beds to ensure that they are put together safely. You do not need to be in your room for your bed to be raised, but please make sure the area under your bed is clear.

**Triple Room Discount Policy**

At periods of peak enrollment, some first-year students may be assigned to a triple room. As more space becomes available, the College will offer these students an option to occupy a double room in the early weeks of the semester. For any student who is still occupying a triple room by October 1st, and has not been offered an option to relocate to a double, he or she will have a \$500 semester discount applied to room fees for that term. Students who are offered the option to relocate to a double before October 1, but decline, will not be eligible for such a discount.

# SEXUAL MISCONDUCT AND TITLE IX GRIEVANCE POLICY

## 1. Purpose

Mount Saint Mary College is committed to providing an educational environment free from any form of discrimination and harassment. In accordance with applicable federal and state laws, the College strives to eliminate any form of discrimination, harassment, or sexual misconduct. The policies and procedures that follow specifically address sexual misconduct.

The purpose of this policy is to help Mount Saint Mary College protect the safety, rights, and dignity of all students, faculty, administrators, staff, and visitors without regard to person or position. The purpose of this policy is to establish a clear, fair, and predictable grievance policy for addressing both formal complaints of sexual harassment under Title IX regulations and those grievances involving violations of campus policy that involve sex-based offenses falling outside Title IX jurisdiction.

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex, including sexual orientation or gender identity, in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

The Title IX Grievance process is included in this policy.

This Sexual Misconduct and Title IX Grievance Policy defines certain behavior as a violation of campus policy, including, but not limited to, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and related sex-based offenses. To the extent that alleged misconduct falls outside the formal Title IX Grievance procedure, or misconduct falling outside the Title IX Grievance procedure is discovered in the course of investigating covered Title IX misconduct, the College retains authority to investigate and adjudicate the allegations as non- Title IX sexual misconduct via the steps outlined in this policy.

## 2. Policy

This policy applies to all conduct occurring on campus or at College-sponsored events or other College education programs or activities. Behaviors cited in this policy that occur off campus, on private property, or online, including calls,

texts, emails and social media or business travel, even if they occur on private devices or during non-work hours, may

still be addressed by the College when the off-campus behavior/conduct affects a substantial College interest. This is defined by:

- Any action that constitutes criminal offense as defined by Federal or NYS law.
- Any situation when it appears the accused individual may present a danger or threat to the health or safety of self or others.
- Any situation that significantly infringes upon the rights, property of self or others or creates a significant disruption and/or
- Any situation that is detrimental to the educational interests of the College.
- This policy applies to all students, employees, paid or unpaid interns, vendors, and non- employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

For the purposes of a Title IX grievance, the College’s “education program or activity” includes:

- Any on-campus premises
- Any off-campus premises that the College has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of College’s programs and activities over which the College has substantial control.

The policies set out here reflect the College’s commitment to a safe and nondiscriminatory educational environment consistent with Title IX, the Violence Against Women Act (“VAWA”), and New York State Education Law 129-B. In accordance with NYS Education Law Section 6443 of Article 129-B, students have a “Bill of Rights” that are provided to them in conjunction with the rights and privileges afforded to them in this policy. Addendum “A” is located at the end of this policy and provides a complete list of these rights.

### **Nondiscrimination Statement**

In accordance with its obligations pursuant to Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973 and other federal, state and local laws, Mount Saint Mary College does not discriminate on the basis of race, color, sex, disability, age, religion, creed, national or ethnic origin, sexual orientation, gender identity or any other characteristic or classification protected by federal, state, or local law, in the administration of any of the College’s educational programs or activities, admissions policies, athletics or other school administered programs, scholarship or loan programs.

Pursuant to, and consistent with its obligations under Title IX and New York State law, the College prohibits sexual harassment, sexual misconduct, and sexual violence, in connection with any of its educational programs, activities or employment practices.

Mount Saint Mary College has designated a Title IX Coordinator, who is primarily responsible for coordinating the College's compliance with Title IX and other federal, state, and local laws relating to sex-based discrimination, as well as handling inquiries and questions regarding the College's non-discrimination policies. The College's Title IX Coordinator is also responsible for overseeing the school's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. Mount Saint Mary College Title IX Coordinator(s) and Section 504 Compliance Officer, who is responsible for handling disability-related issues, are:

**Title IX Coordinator:** Matthew Byrne, Garden Apartments 1, Room 205, 845-569-3597, [Matthew.Byrne@msmc.edu](mailto:Matthew.Byrne@msmc.edu) or [titleixcoordinator@msmc.edu](mailto:titleixcoordinator@msmc.edu)

**Deputy Title IX Coordinator:** Margaret Kemp, Director of Disability Services, 845-569-3638 [Margaret.Kemp@msmc.edu](mailto:Margaret.Kemp@msmc.edu)

**Section 504 Compliance Officer:** Margaret Kemp, Director of Disability Services, 845-569-3638 [Margaret.Kemp@msmc.edu](mailto:Margaret.Kemp@msmc.edu)

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness.

A student may also file a complaint with the following agencies: United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005 [ocrcas.ed.gov](http://ocrcas.ed.gov); and the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210.

An employee may also file a complaint with the following agencies: Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004; the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210; or the United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005.

### **Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance procedures that do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, and approved by the Section 504 Compliance Officer/Director of Disability Services, even where the Parties may be receiving accommodations in other College programs and activities.

### **Multi-Party Situations**

The College may consolidate Formal Complaints alleging Title IX covered sexual harassment or other sexual misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Title IX covered sexual harassment or other sexual misconduct arise out of the same facts or circumstances.

## **3. Definitions of Prohibited Conduct Under This Policy**

The conduct defined below constitutes prohibited conduct under this policy:

**DATING VIOLENCE (INTIMATE PARTNER VIOLENCE)** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone. Dating violence can be a single act or a pattern of behavior in relationships.

**DOMESTIC VIOLENCE (INTIMATE PARTNER VIOLENCE)** "includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction and includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who— "(A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; "(B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; "(C) shares a child in common with the victim; or "(D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction."; Domestic violence can be a single act or a pattern of behavior in relationships. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone.

**FONDLING** is the touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**FORCIBLE TOUCHING** is defined as non-consensual touching of sexual or intimate parts of another person for the purpose of degrading or abusing such persons or for gratifying the actor's sexual desire.

**RAPE** is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**RETALIATION** is defined in this context as punishing or sanctioning a person for being a complainant, respondent or acting as a witness regarding a complaint of prohibited conduct as defined by this policy. Examples of retaliation include intimidation, threats, coercion, or discrimination.

**SEXUAL ASSAULT** involves *sexual intercourse* or *sexual contact* with another person, whether by physical force, threat, or coercion, including when a person is incapacitated, without Affirmative Consent. Sexual intercourse is any vaginal or anal penetration, however slight, with any object or by a penis, tongue, finger, or other body part performed by an individual upon another individual. Sexual intercourse also includes any contact, however slight, between the mouth of one individual and the genitalia of another individual. Sexual contact is any intentional sexual touching however slight, of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, with any object or body part performed by an individual upon another individual. *Sexual contact* includes making an individual touch another individual with or on the

breasts, buttocks, groin, or genitals. The term Sexual Assault includes, but is not limited to, rape, fondling, incest, and statutory rape.

**SEXUAL COERCION** is the act of using pressure, alcohol or drugs, or force to have sexual contact with someone against his or her will and includes persistent attempts to have sexual contact with someone who has already refused. This includes the threat to expose a person's sexual orientation, consensual sexual experiences, sexually explicit photographs or videotapes or other images to family, friends, or the public. Sexual coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is used to compel someone to engage in sexual contact. Coercion may involve the actual infliction of physical pain/injury or psychological harm in order to enhance the credibility of a threat.

**SEXUAL EXPLOITATION** occurs when someone takes advantage of another person without the person's consent and exploits or attempts to sexually exploit that person. Taking pictures or video or audio recording of another in a sexual act, or in any other private activity without the consent of all involved in the activity or exceeding the boundaries of consent. Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with sexually transmitted infection (STI) and without informing the other person of the infection. It further includes causing incapacitation of another individual through alcohol, drugs, or any other means, for the purpose of compromising that individual's ability to consent to sexual activity. The following are activities prohibited under this provision:

**VOYEURISM OR PEEPING**, which is purposefully watching, videotaping, or recording another person without that person's consent, while that person is naked, dressing or undressing, or engaging in sexual activity. This also includes allowing others to observe private sexual activity from hidden locations, by electronic means or disseminating sexual pictures without the photographed person's consent.

**SEXUAL EXHIBITIONISM** is when a person engages in sexually explicit activity in public spaces on campus or to be viewed by the public while on campus using computer hardware or software.

**PROSTITUTION OR PROMOTING PROSTITUTION** which involves promoting or soliciting a prostitute to campus or a campus event to engage in prostitution.

**UNLAWFUL DISSEMINATION OF PUBLICATION OF AN INTIMATE IMAGE (REVENGE PORN)** occurs when a person, (a) with intent to cause harm to the emotional, financial or physical welfare of another person, intentionally disseminates or publishes a still or video image of such other person, who is identifiable from the still or video image itself or from information displayed in connection with the still or video image, without such other person's consent, which depicts: (i) an unclothed or exposed intimate part of such other person; or (ii) such other person engaging in sexual behavior with another person; and (b) such still or video image was taken under circumstances when the person depicted had a reasonable expectation that the image would remain private and the accused knew or reasonably should have known the person depicted intended for the still or video image to remain private, regardless of whether the accused was present when the still or video image was taken. For purposes of this section "intimate part" means the naked genitals, pubic area, anus, or female nipple of the person.

**SEXUAL HARASSMENT** is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or work performance or creating an intimidating, hostile or offensive academic or work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of grading or employment; or
- Submission to or rejection of such conduct is used as the basis for grade, education or employment decisions affecting an individual’s education or employment.

A sexually harassing hostile academic or work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, and/or which interfere with the recipient’s academic or job performance.

Sexual harassment also occurs when a person in authority tries to trade job, academic, athletic, or other benefits for sexual favors. This can include grades, academic standing, hiring, promotion, continued employment or any other terms, conditions or privileges of academics or employment. This is also called “quid pro quo” harassment.

**For the purposes of this policy and any formal Title IX Grievance, “Title IX covered sexual harassment” includes any conduct on the basis of sex that satisfies one or more of the following:**

- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity;
- Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
- Sex-based Dating violence
- Sex-based Domestic violence
- Sex-based Stalking

**Note that all sexual misconduct, including sexual harassment and other misconduct defined in this policy, is prohibited under this Sexual Misconduct and Title IX Grievance Policy and the Student Code of Conduct, even if it does not meet one or more of these criteria for “Title IX covered sexual harassment.”**

### **Examples of Sexual Harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another student or employee's body, or poking another employee's body;
  - o Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - o Requests for sexual favors accompanied by implied or overt threats concerning the target's education or job performance evaluation, a promotion or other job benefits or detriments;
  - o Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile academic or work environment.
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the educational environment or workplace, such as:
  - o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in an educational environment or in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - o Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to learn or perform their job;
  - o Sabotaging an individual's work;
  - o Bullying, yelling, name-calling.

**SEXUAL MISCONDUCT** is an umbrella term used in this policy to more conveniently refer to any form of conduct prohibited by this policy.

**STALKING** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Stalking may occur in

person or through communications such as telephone calls, text messages, social media, unwanted gifts, letters, emails, surveillance, or other types of observation.

**STATUTORY RAPE** is sexual intercourse with a person who is under the statutory age of consent.

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination of employment, for harassment, discrimination, or an act of sexual misconduct or other gender-based offenses, including those described above based on the facts and circumstances of the particular grievance. Informal resolution and mediation will never be options to remedy any acts of sexual violence and/or non-consensual forcible touching. See Section X, Article II of the Student Handbook for a Full List of Sanctions.

#### **4. Definitions and Terms Related to This Policy**

**ACCUSED** is a person accused of a violation who has not yet entered the College's judicial or conduct process; for this policy, the accused is referred to as the Responding Party once formally charged.

**AFFIRMATIVE CONSENT** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. As used in this policy, the term "consent" always refers to "affirmative consent."

Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

Past consent does not imply future consent and consent to one form of sexual activity does not imply consent to any other forms of sexual activity. The initiator has the sole responsibility to confirm consent. Coercion, force, intimidation, incapacitation, or threat of harm invalidates consent. An individual of minority age cannot give consent.

The definition of consent does not vary based on a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

A **BYSTANDER** is a person who observes a crime, an impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of College policy.

**CLERY REPORTING** refers to the data collected by the Office of Security & Safety on violent crimes (including sexual assault/rape, domestic violence, dating violence, and stalking) occurring on or near College property and compiled in the College's Annual Security Report. Only aggregate data is reported, and no personally identifiable information is collected. For more information on Clery Reporting, please review the Annual Security Report or contact the Office of Safety and Security.

**COERCION** is verbal and/or physical conduct, including intimidation and explicit or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is used to compel someone to engage in sexual conduct against their will.

**COMPLAINANT** is the individual who reports or is reported as having experienced prohibited conduct.

CONFIDENTIALITY may be offered by an individual who is not required by law or College policy to report known incidents of sexual assault or other crimes to institution officials. Counseling Services, Health Services, and the Director of Campus Ministry and Chaplain are examples of College employees that are confidential resources.

FORCE refers to the use or threat of physical violence to compel someone to engage in sexual activity. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, strangulation, and/or brandishing or using any weapon.

HOSTILE ENVIRONMENT is one in which, when viewed from the perspective of a reasonable person in the complainant's position, one's behavior unreasonably interferes with another person's ability to access education or execute his or her work-related responsibilities.

INCAPACITATED PERSON is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state such that they lack the ability to make a knowing and deliberate choice to engage in the sexual interaction. For the purposes of this policy, a person who is asleep, unconscious, or involuntarily restrained is incapacitated, without exception. A person may also become incapacitated due to other factors, which may include the use of alcohol and/or drugs to such a degree that the person no longer has the ability to make a knowing or deliberate choice to engage in the sexual interaction. When the question of whether the complainant was incapacitated is at issue, the perspective of a sober, reasonable person in the position of the respondent will be the basis for determining whether the respondent should have known that the complainant was incapacitated and thus incapable of giving consent.

INTIMIDATION is any threat of violence or other threatening behavior directed toward another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection. A person's size alone does not constitute intimidation; however, a person can use their size or physical power in a manner that constitutes intimidation (for example, by blocking access to an exit).

REPORTING INDIVIDUAL will encompass the terms victim, survivor, complainant, claimant, or witness with victim status.

RESPONDING PARTY or RESPONDENT will mean a person accused of a violation who has entered the College's judicial or conduct process.

## **5. Grievance Process for Reporting Prohibited Conduct Under This Policy**

The College encourages individuals who believe that they have experienced prohibited conduct under this policy to bring their concerns to the College's attention immediately. Early reporting and intervention tend to be the most effective in the ability to investigate and respond. The College will take allegations of prohibited conduct seriously.

### **OFFICIALS WITH AUTHORITY**

The College has designated the following employees as "Officials with Authority" to take corrective action to redress the sexual harassment or sexual misconduct:

Title IX Coordinator, Matthew Byrne, Garden Apartments 1, Room 205, 845-569-3597, [titleixcoordinator@msmc.edu](mailto:titleixcoordinator@msmc.edu)  
[matthew.byrne@msmc.edu](mailto:matthew.byrne@msmc.edu)

Deputy Title IX Coordinator, Margaret Kemp, Director of Disability Services, Aquinas 100 C-2, 845-569-3638  
[Margaret.Kemp@msmc.edu](mailto:Margaret.Kemp@msmc.edu)

## RESPONSIBLE EMPLOYEES

While individuals are encouraged to promptly report sexual misconduct to the Title IX Coordinator, they may also choose, or feel more comfortable, reporting incidents to other administrators, staff, or faculty who can assist in obtaining direction, suggestions, or referrals to services that may be helpful.

A “Responsible Employee” is a non-confidential resource who, at a minimum, shares all information with the Title IX Coordinator or the Deputy Title IX Coordinator.

Responsible employees have the duty to report incidents of sexual/gender discrimination or sexual violence. All faculty, and most professional staff and employees, unless otherwise authorized and designated to receive “confidential reports” are expected to report acts of sex and/or gender discrimination, including sexual violence, involving any members of the campus community, guests, or visitors to the Title IX Coordinator or Deputy Coordinator without delay.

Responsible employees include:

- All Full and Part Time Faculty
- Administration (excluding professional, pastoral counselors and health care providers)
- Resident Directors and Resident Assistant
- Athletic Coaches, Trainers, and Administrators
- Academic Coaches
- Advisors to Student Organizations
- Security Officers, Coordinators, and Supervisors

Responsible employees do not include:

- Clerical Staff
- Custodial Staff
- Facilities and Maintenance Staff
- Non-employee contractors such as those working in food service, the bookstore, etc.

A complainant who wishes to report an incident to a Responsible Employee should consider such communications non-confidential. The College will consider a request for confidentiality when a report is made to such responsible employees but may be required to report it. Even College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to the Title IX Coordinator.

A reporting party has the right and can expect to have reports taken seriously by the College when reported and to have those incidents investigated and properly resolved through these procedures. In cases where a reporting individual

requests confidentiality and circumstances allow the College that request, the College will offer interim supports and remedies to the individual and the community, but will not otherwise pursue formal action.

#### STUDENT ALCOHOL AND DRUG USE AMNESTY POLICY WHEN REPORTING SEXUAL MISCONDUCT

At Mount Saint Mary College, the health and safety of every student is of great importance to us. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. ***A bystander acting in good faith or a reporting individual acting in good faith who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will not be subject to the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.***

#### EVALUATION OF INITIAL REPORT/REQUEST FOR CONFIDENTIALITY

The College has designated the following individuals to evaluate requests for confidentiality once a responsible employee and/or victim discloses an alleged act of sexual misconduct has occurred:

Matthew Byrne, Title IX Coordinator

845-569-3597

Margaret Kemp, Deputy Title IX Coordinator

845-569-3638

The College will seek consent from reporting individuals and receive a Formal Complaint from them prior to conducting an investigation, and will generally honor a reporting individual's request not to investigate unless the College determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the College community. Honoring a request not to investigate and maintain confidentiality may limit the College's ability to meaningfully investigate and pursue conduct charges against an accused individual. Factors used to determine whether to honor such a request include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- Whether the College possesses other means to obtain evidence, and whether the available information reveals a pattern of perpetration at a given location or by a particular group.

Requests for confidentiality and/or not to initiate an investigation will be weighed against the College's obligation to provide a safe, non-discriminatory environment for all members of its community. In the event the College determines it

must proceed forward with an investigation, the Title IX Coordinator will complete and sign the Formal Complaint, provided the complainant declines to do so.

#### CASE OF CONTINUAL THREAT, TIMELY WARNING OBLIGATIONS AND DUTY TO REPORT CRIMES

Victims of sexual misconduct should be aware that the College is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees, subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the complainant. The College will make every effort to ensure a victim/survivor or reporting individual is not disclosed.

All Responsible Employees and Campus Security Authorities are expected to report sex and or gender-based crimes involving any member of the campus community without delay, unless a sex crime victim does not wish the report to be made. A report of any sex crime must be made to the Title IX Coordinator. Incidents involving sex-based crimes against minors must be reported by all employees, including confidential resources, without delay to the Title IX Coordinator.

### 6. Confidential Resources

There are certain College employees who can offer confidentiality. Any other College employee to whom a report is made will disclose to as few individuals as possible but, as a non- confidential resource, they do not have the ability to promise that they will not tell others within the College about the information that has been shared with them.

Individuals may report or disclose an incident of sexual misconduct to the following resources confidentially. These resources can assist in obtaining support, counseling, pastoral care, and protective services. These resources will not report the incident to the Title IX Coordinator. Reports made to medical professionals, pastoral counselors, and licensed mental health counselors shall not be shared with any third parties except in cases of imminent danger to the patient, a third party, or in situations of State regulated mandatory reporting. The reporting party must make a report to the Title IX Coordinator or another responsible College official in order for the College to take action with respect to the conduct at issue.

Elizabeth Bruno, Director of Counseling	845-569-3433 <a href="mailto:elizabeth.bruno@msmc.edu">elizabeth.bruno@msmc.edu</a>
Claire Newman, Clinical Counselor, Multicultural & Diversity focus	845-569-3114 <a href="mailto:claire.newman@msmc.edu">claire.newman@msmc.edu</a>
Emma Marl, Clinical Counselor	845-569-3547 <a href="mailto:emma.marl@msmc.edu">emma.marl@msmc.edu</a>
Fr. Gregoire Fluet, Director of Campus Ministry	845-569-3154 <a href="mailto:gregoire.fluet@msmc.edu">gregoire.fluet@msmc.edu</a>
Deirdre Pettus, Director of Health Services	845-569-3153 <a href="mailto:deirdre.pettus@msmc.edu">deirdre.pettus@msmc.edu</a>
Dina Leduc, Assistant Director of Health Services	845-569-3353 <a href="mailto:dina.leduc@msmc.edu">dina.leduc@msmc.edu</a>
Maria Rivera, Nurse Practitioner (NP)	845-569-3353 <a href="mailto:maria.rivera@msmc.edu">maria.rivera@msmc.edu</a>

Counseling Services may be contacted after hours by calling Campus Safety at 845-569-3200 and asking for the on-call counselor. There is no need to leave your name. Just leave your number and the counselor will call you back.

\*These employees will submit anonymous statistical information for Title IX and Clery Act purposes.

#### OFF-CAMPUS CONFIDENTIAL RESOURCES

Off-campus resources will maintain confidentiality except in extreme cases of immediate threat, danger and/or abuse of a minor.

Fearless! (Formerly known as Safe Homes of Orange County) 845-562-5340

Orange County Sexual Assault and Prevention Services-SAPA (formerly known as Orange County Rape Crisis) 800-832-1200, 24/7 Orange County Crisis Call Center

These resources provide support services and answer questions, 24 hours a day, about the Sexual Assault Nurse Examination process and your options regarding medical treatment, evidence collection, reporting to law enforcement and assisting you with College resources.

#### MEDICAL TREATMENT

Anyone who is physically injured or sexually assaulted has the right to seek a medical examination to determine the extent of injuries. It is also important to understand that physical evidence collected in a rape examination (i.e., a rape kit) is a way to preserve evidence should anyone want to pursue criminal charges with the police or a local prosecutor at a later time. [5]

Note: A decision to avail yourself of any of the Rape Crisis services, including the collection of evidence at the hospital, does not result in notification to law enforcement. You have the ability to decide if and when to report to law enforcement authorities; the evidence will be preserved without cost to you.

Anyone who is physically injured or sexually assaulted may contact:

Montefiore St. Luke's Cornwall Hospital  
70 Dubois Street, Newburgh, NY 12550

845-561-4400

You may disclose *confidentially* the incident and obtain services from the New York State or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are cataloged by the Office for the Prevention of Domestic Violence and presented in several languages: <https://opdv.ny.gov/> (or by calling 1-800-942-6906);

#### REPORTS TO POLICE/LAW ENFORCEMENT AND OTHER SUPPORTIVE AGENCIES

A person may report an incident to either the police or the College, or to both simultaneously. A complainant has the right to have the institution's process run concurrently with a criminal justice investigation. Making a report or filing a complaint of sexual misconduct under this Policy is independent of any criminal investigation or proceeding. The College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim measures to protect the complainant and the College community.

However, the College may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of sexual misconduct matters that may also violate the state criminal code.

There may be times when the Security & Safety Department or another administrator may contact the police regarding the nature of an alleged incident. Further, the Security & Safety Department and other administrators stand ready to

assist in reporting incidents to the police or local prosecutors and help with initiating legal proceedings in Family Court or civil court.

To file a criminal complaint with Campus Security, local law enforcement, and/or state police, a reporting party may call 911 or contact:

Campus Security:	845-569-3200
City of Newburgh Police Department:	845-561-3131
New York State Police:	845-344-5300
Campus Sexual Assault Victims Unit) (Troop F-Middletown, NY);	844-845-7269
Family & Civil Court:	845-476-3520
District Attorney of Orange County:	845-291-2050
NY State Sexual Violence Hotline:	844-845-7269

## 7. Supportive Measures

When notice of a violation of this policy has been received by the Title IX Coordinator, Director of Student Conduct, Deputy Title IX Coordinator, or other College employee who is obligated to report, the College will take supportive measures deemed necessary to appropriately respond to protect the reporting party, its students, faculty, staff, and third parties. Not all forms of harassment and discrimination will be deemed equally serious offenses, and the College reserves the right to impose different, yet appropriate measures, depending on the severity of the offense. As required by federal regulation, these interim measures must be non-disciplinary and non-punitive to the parties.

The College will take appropriate supportive measures promptly if it receives notice of a sexual misconduct allegation. Interim protections or responsive measures are available without a Formal Complaint and are available to both the complainant and accused/respondent in the areas of safety, counseling, housing, and educational accommodations (academic support).

Supportive measures are administrative actions and may include, but are not limited to: mutual no-contact orders (as further discussed below); change of housing or place of employment; change of class schedule or location; change of transportation; leaves of absence, campus escort services, increased security and monitoring of certain areas of the campus, counseling, extensions of deadlines or other course-related adjustments, or change of supervision. These supportive measures are not sanctions when made prior to the final determination.

Supportive measures are available from the time of the incident until a final decision is rendered by the College. Both the accused or respondent and the reporting individual shall, upon request, and consistent with the College's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects them, and shall be allowed to submit evidence in support of his or her request.

Factors determining which interim measures the College will take may include: the specific needs expressed by the reporting party; the age of the students involved; the severity or pervasiveness of the allegations; whether the reporting party and responding party share the same residence hall, class, or job location; whether there is a continuing threat to the health and safety of the College community; and whether other court ordered judicial measures have been taken to protect the reporting party.

When the accused is not a student but is a member of the College community, an assessment of any continuing threat to the health and safety of the community will be conducted, and interim measures will be put into place in accordance with applicable employee handbooks, and rules and policies of the College.

When a case involves a foreign student, the College will work with a SEVIS Designated School Official if the student's course load is likely to drop below full-time status as a result of the alleged incident. (Threatening a student with deportation or invoking a student's immigration status in an attempt to deter testimony in such cases is a violation of the investigative process and applicable Federal law.)

The College determines if there is a continuing threat to the health and safety of the community by evaluating each instance on an individual basis and applying current threat assessment guidelines. The Title IX Coordinator, Deputy Title IX Coordinator or the Vice President for Students, will consult with the Director of Student Conduct and the Director of Security & Safety, and may convene the Assessment and Care Team (ACT), whose mission is to identify members of the MSMC community who may pose a threat to the safety and well-being of themselves or others, if further review is warranted.

#### NO CONTACT ORDERS

After a reporting party makes a complaint of sexual misconduct, the College may institute a no contact order between the reporting and responding party. A no contact order is a directive prohibiting contact between or among designated individuals, direct or indirect, including personal contact, correspondence, email, instant message, text messages, social media, telephone, or through a third party. In general, the Director of Student Conduct, the Vice President for Students, Title IX Coordinator or the Deputy Title IX Coordinator or designee may impose a limited or campus-wide No Contact Order between parties or witnesses to a Complaint when the fear of retaliation and/or harassment may be present and/or for reasons relating to the safety and well-being of students, faculty, and staff.

An individual who believes that a violation of the No Contact Order has occurred needs to report the violation to the Title IX Coordinator, Vice President for Students, the Director of Student Conduct, the Deputy Title IX Coordinator, or designee. Individuals who violate a no contact order are subject to disciplinary action, such as a charge of retaliation and violation of the no contact order.

Specific instructions will accompany the No Contact Order outlining to all parties the expected behavior including any prohibitions on face-to-face contact. Friends and relatives may also be prohibited from contact on behalf of either party.

#### EMERGENCY REMOVAL

In some cases, the College may undertake an emergency removal of an accused or respondent student in order to protect the safety of the College community, which may include contacting local law enforcement to address imminent safety concerns.

Emergency removal is not a substitute for reaching a determination as to an accused’s responsibility for the sexual misconduct allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person’s physical health or safety, which may arise out of the sexual misconduct allegations.

Prior to removing an accused or respondent student through the emergency removal process, the College will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the accused student, or other individual justifies removal, then the accused or respondent student will be removed. This is the case regardless of the severity of the allegations and regardless of whether a Formal Complaint was filed.

After determining an accused or respondent student is an immediate threat to the physical health or safety of an individual, the Title IX Coordinator, Deputy Title IX Coordinator, and/or Director of Student Conduct, or designee will provide written notice of the emergency removal to both the complainant and the accused or respondent student. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision.

If the accused or respondent student disagrees with the decision to be removed from campus, the accused or respondent student may appeal the decision. The accused or respondent student must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Vice President for Students or designee, within (10) days of receiving the notice of removal. The burden of proof is on the accused or respondent student to show that the removal decision was incorrect.

This section applies only to accused or respondent students. Employees are not subject to this section and may be placed on administrative leave pursuant to the College’s policies during the pendency of a Title IX grievance process.

#### ORDERS OF PROTECTION ISSUED BY CRIMINAL OR CIVIL COURTS

Separate from a no contact order issued by the College, a reporting party can seek an order of protection from both the criminal or civil (family) court system. The Title IX Office will place the student in touch with an advocate from Fearless! (Formerly known as Safe Homes of Orange County) or Legal Services of the Hudson Valley who will be available to assist in obtaining a government court issued order of protection (or equivalent restraining order if outside New York State) and explain to all involved parties the consequences of violating such an order, including but not limited to arrest, additional conduct charges, and interim suspension. Both the reporting party and responding party have the right to receive a copy of the order of protection when received by the College. Either the Title IX Coordinator, Deputy Title IX Coordinator, or designee, or an advocate from Fearless! or Legal Services of the Hudson Valley will be available to explain the order and answer any questions about it. If such an order is violated, an individual may contact the Title IX Coordinator, Deputy Title IX Coordinator, Director of Security & Safety, or designee to receive assistance from the police department with appropriate jurisdiction in effecting an arrest, if and when appropriate.

## 8. Formal Complaint Filing

### FORMAL COMPLAINT

A Formal Complaint is necessary to initiate the College’s grievance process, meaning an investigation and adjudication process. A Formal Complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the College investigate the allegation.

A Formal Complaint may be filed with the Title IX Coordinator in person, electronically or other College approved format located on the College’s Portal and/or [Title IX website](#), by mail, or by email. In order to qualify as a Formal Complaint, the

document must contain the complainant's physical or electronic signature, or otherwise indicate that the complainant is the person filing the Formal Complaint.

If a complainant declines to sign a Formal Complaint or does not wish to participate in the complaint and adjudication process, or the complainant's identity is unknown, and the Title IX Coordinator determines there is sufficient cause to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint. In such cases, the Title IX Coordinator is not considered to be a complainant or other party under this policy.

#### EVALUATION OF FORMAL COMPLAINT

The Title IX Coordinator will review the Formal Complaint filed by a complainant to determine whether the alleged conduct:

- would not constitute Title IX covered sexual harassment as defined in Section 106.30 of the U.S. Department of Education's Title IX regulations, even if proved,
- did not occur in the College's education program or activity (as defined in federal regulations), or
- did not occur against a person in the United States.

In order to comply with Title IX regulations, the Title IX Coordinator must dismiss and discontinue the processing of any allegations that meet the above criteria for purposes of Title IX and related federal regulations. However, even if certain allegations are subject to dismissal for purposes of Title IX, the College may continue to process the allegations as potential violations of this policy, assuming that the allegations, if true, would constitute prohibited sexual misconduct.

Notice of any dismissal under this section will be in writing and issued to both the Complainant and the Accused or Respondent student, with information concerning the parties' rights to appeal.

#### NOTICE OF DISMISSAL

Upon reaching a decision that the Formal Complaint will be dismissed, in whole or in part, the College will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

### **9. Informal Resolution**

Initiation of an informal procedure to resolve a complaint is appropriate for allegations of non-violent acts, provided all parties voluntarily agree to the informal procedure. The informal resolution process is not available unless a Formal Complaint has been filed. If the parties are unable to reach a resolution through the informal procedure or if any party requests that the informal process be discontinued, then the complaint will be moved to a formal investigation and further proceedings, as described below.

The informal procedure is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a complainant. An informal resolution prioritizes educational and conciliatory approaches over more adversarial contestation of the facts. One objective of informal resolution is to provide to the parties an opportunity to hear each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator.

The Informal Resolution Process is not available if the accused or respondent in a sexual misconduct complaint is a faculty or staff member of the College and the complainant is a student.

Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator or designee will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Informal resolution will not be a mechanism used to address reports of sexual violence or coerced/forced behavior of any kind or if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. It is not necessary to pursue the informal resolution process first in order to make a formal report and, as noted above, anyone participating in the informal resolution process can stop that process at any time and request formal resolution. Further, interim measures are available to both parties in the same manner as they would be if the Formal Complaint were proceeding under the formal grievance and hearing process.

The Title IX Coordinator, Deputy Title IX Coordinator, or Director of Student Conduct will offer the informal resolution process to the parties after a Formal Complaint is filed by a complainant. A written notice will be given to both parties before entering an informal resolution process, and both parties must consent to the process in writing. No party should feel intimidated, coerced/forced or threatened to participate in an informal resolution process, or to withdraw from an informal resolution process.

If both parties consent to participate in the informal resolution process, the College will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role and screened to ensure that such a person is free from conflicts of interest and bias.

## **10. Investigation Process**

All involved parties have the right to an investigation that is fair, impartial and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest. Any conflict of interest should be brought to the attention of the Vice President for Students as soon as possible. The investigation will be completed in a reasonably prompt timeframe, taking into account the complexity of the allegations and availability of parties and witnesses.

### **APPOINTMENT OF INVESTIGATOR**

Where a formal complaint has been filed, and in the absence of an informal resolution, the College will appoint an investigator to conduct an investigation into the allegations in the Formal Complaint.

The College may appoint one or more internal or external qualified investigators at its sole discretion. The investigation is an impartial fact-finding process.

### **NOTICE OF REMOVAL**

Upon dismissal of a Formal Complaint, in whole or in part, for the purposes of Title IX, the College retains discretion to determine if any violation(s) of the Code of Conduct and/or this Sexual Misconduct and Grievance Policy has occurred. If the Formal Complaint does not allege a violation of this policy, but does allege a violation of the Code of Conduct, then the College will promptly send written notice of the removal of the complaint and allegations contained therein to the Code of Conduct or other applicable process.

## NOTICE OF ALLEGATIONS

The Title IX Coordinator, Deputy Title IX Coordinator, or Director of Student Conduct will draft and provide a notice to all known parties (“Notice of Allegations”) regarding the allegations of sexual misconduct contained in the Formal Complaint. Such notice will occur as soon as practicable, but no more than ten (10) days, after the institution receives a Formal Complaint, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator, Deputy Title IX Coordinator, or Director of Student Conduct may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above and will issue notice of the dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the notice of dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

## CONTENTS OF NOTICE

The Notice of Allegations will include the following:

- Notice of the institution’s Sexual Misconduct Policy and Title IX Grievance Process, including any informal resolution, investigation and adjudication process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting Title IX covered sexual harassment and/or other sexual misconduct, and sufficient details known at the time the Notice is issued, such as:
  - o the identities of the involved parties;
  - o the date, time, location, and factual allegations concerning the alleged violation;
  - o the policy provisions allegedly violated;
  - o a description of, or reference to, the applicable investigation and adjudication process;
    - A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
    - A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney,
    - A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation and consistent with this policy that is directly related to the allegations raised in the Formal Complaint,
    - A statement that College Policy/Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

## ONGOING NOTICE

If, in the course of an investigation, the College decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise sexual misconduct prohibited by this policy, the College will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

#### ADVISORS

The Reporting Individual, Complainant, and Accused/Respondent have the right to a person of their choice accompany them as an advisor throughout the investigation and disciplinary hearing. The Title IX Coordinator, the Deputy Title IX Coordinator or the Director of Student Conduct will notify both the reporting and accused/responding party of their right to use one advisor of their choice, including an attorney, parent or advocate who can advise them during the grievance process. Advisors may be present at investigatory interviews and the Hearing, but they may not answer for students, make objections, or pose questions, with the exception of a party's advisor conducting cross examination at a Title IX grievance hearing, as further discussed below. The availability of an advisor to attend an interview, conduct meeting, or hearing will not unreasonably interfere with or delay the proceedings. The choice whether or not to invite an advisor is solely that of the reporting party and responding party. However, if a party does not have an advisor for a Title IX grievance hearing, then one will be provided to that party by the College.

#### MEETINGS AND INTERVIEWS TO GATHER INFORMATION

The Complainant and Accused/Respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate.

The Complainant and the Accused/Respondent will be given an equal opportunity to present information during the investigation. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the College. The investigator may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the accused/respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator will determine the order and method of investigation.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews. If the investigator elects to audio and/or video record interviews, all parties involved in the meeting or interview will be made aware that audio and/or video recording is occurring.

#### OPPORTUNITY FOR INSPECTION AND REVIEW OF EVIDENCE/TITLE IX GRIEVANCE

In cases involving Title IX covered sexual harassment, the Complainant and Accused will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. Prior to the conclusion of the investigative report, the Complainant and Accused, and their advisors, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The Complainant and Accused will be provided with at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the

investigative report. The investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

#### OPPORTUNITY FOR INSPECTION AND REVIEW OF EVIDENCE/NON-TITLE IX GRIEVANCE

In cases involving sexual misconduct that does not constitute Title IX covered sexual harassment, once it is determined by the College that charges will be filed against the Accused and the matter will proceed to a live hearing, the Complainant and Respondent, and each party's advisor of choice, will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. All parties will be notified in writing by the Director of Student Conduct, or designee, that they may schedule an appointment with the Office of Student Affairs up to three (3) business days prior to the scheduled hearing date to review the investigative file, subject to redaction permitted and/or required by law. Parties in non-Title IX Grievances are not provided a copy (hard copy or electronic format) of the evidence.

#### INVESTIGATIVE REPORT/TITLE IX GRIEVANCE

At the conclusion of the investigation, in cases involving Title IX covered sexual harassment, the investigator will complete a written investigative report that fairly summarizes the relevant evidence. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator and, if the accused is a student, the Director of Student Conduct, or designee.

At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Accused/Respondent, and each party's advisor if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law.

#### INVESTIGATIVE REPORT/NON-TITLE IX GRIEVANCE

At the conclusion of the investigation, in cases involving sexual misconduct that does not constitute Title IX covered sexual harassment, the investigator will complete a written investigative report that fairly summarizes the relevant evidence. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator and, if the accused is a student, the Director of Student Conduct, or designee. If it is determined by the College that charges will be filed against the Accused and the matter will proceed to a live hearing, the Complainant and Respondent, and each party's advisor of choice, will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. All parties will be notified in writing by the Director of Student Conduct, or designee that they may schedule an appointment with the Office of Student Affairs up to three (3) business days prior to the scheduled hearing date to review the investigative file, subject to redaction permitted and/or required by law. Parties in cases involving sexual misconduct that does not constitute Title IX covered sexual harassment are not provided a copy (hard copy or electronic format) of the evidence.

### **11. Hearing Procedures**

In cases involving Title IX covered sexual harassment, a live hearing will be convened not less than ten (10) days after the parties have been provided access to the final investigative report, for the purpose of determining whether the

Respondent is responsible or not responsible for the alleged sexual misconduct. In cases involving sexual misconduct that does not constitute Title IX covered sexual harassment, a live hearing will be convened no less than three (3) days after formal charges have been filed against the accused.

A hearing panel made up of trained faculty, staff, and/or administrators charged with hearing cases brought before them involving alleged violations of the College's discrimination, harassment, and sexual misconduct policies, including Title IX violations, will be assembled (the "Hearing Panel"). Hearings for violations of this policy are conducted by a three (3) person panel made up of trained faculty and staff from the College that are designated by the Office of Student Affairs. Hearings under this policy are closed to all members of the campus and outside community except those directly involved with the Formal Complaint or investigation.

Participants in the hearing will include the members of the Hearing Panel, the Complainant and the Respondent, their respective advisors, the investigator(s) who conducted the investigation, and witnesses (solely during their own testimony). During any hearing, Advisors are required to follow the Code of Decorum for Advisors, Addendum "B" of this policy.

With the exception of conducting cross-examination of another party or witness in cases involving Title IX covered sexual harassment, advisors may be present to advise only; they may not participate directly in the hearing. Advisors who interfere with the proceedings can be excused by the Hearing Panel. An audio recording or a transcript of the hearing will be made and kept by the Office of Student Affairs.

Only persons involved in the hearing process will be permitted in the vicinity of the hearing. It is expected that participants and advisors will respect the dignity and privacy of College community members and keep private that which transpires during the hearing, in accordance with federal and state law.

All members of the College community, including students, faculty, and staff, are expected to participate in the hearing process, when called as a witness on behalf of the Complainant, the Respondent, or the College. The evidence in the investigation report will always be admissible if relevant, regardless of who does or does not attend the hearing. How much weight that evidence is given can be impacted by testimony at the hearing, or the lack thereof. No one has to participate in a hearing, and parties and witnesses can choose not to attend, or not to answer (some or all) questions. In hearings where the parties or witnesses let their statements to the investigators stand on their own, and they give no testimony at the hearing, the decision-makers will weigh whatever evidence is provided and may draw reasonable inferences as permitted by law from the failure of parties or witnesses to participate or answer.

#### NOTICE OF HEARING

At least one week prior (5) business days to a hearing involving allegations of Title IX covered sexual harassment, or at least three (3) business days prior to all other hearings under this policy, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Title IX Coordinator, the Director of Student Conduct, or designee will send a letter to the parties with the following information. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.

- The time, date and location of the hearing and a reminder that attendance is mandatory. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Title IX Coordinator or designee may reschedule the hearing.
- The names of the Hearing Panel members, and how to challenge participation by any Hearing Panel member for bias or conflict of interest. Bias or conflict of interest will be judged by an objective standard (i.e., whether a reasonable person would conclude the decision maker is biased).
- A notice regarding the parties' right to have an advisor at the hearing, as described in, and subject to the limitations of, this policy.

Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within a reasonable time for resolution.

#### ADDITIONAL PROCEDURAL MATTERS

Generally, the hearing process will be conducted in the following manner:

1. The Hearing Chair will open and establish rules and expectations for the hearing; all participants and advisors will be introduced to the Hearing Panel.
2. The Hearing Chair will ask the Director of Security, the Title IX Coordinator, or other College designee who has participated in compiling the investigative file to give an overview. The Hearing Panel will be given an opportunity to ask any questions of the investigator before excusing this person from the hearing room. The investigator may be called by the Chair at any point throughout the hearing to help answer questions concerning the investigative report.
3. Once the investigator is dismissed, the Hearing Chair will recite the Complaint against the Respondent and all policy sections alleged to have been violated.
4. The Respondent will state whether they are responsible, not responsible, or responsible with an explanation for the alleged misconduct. Responsible with an explanation means the student admits to the actions, but believes there were circumstances that should be taken into consideration by the Hearing Panel in the determination of the Complaint.
5. Statements regarding their respective positions may be given by the Complainant and the Respondent. The Hearing Panel, through its Chair, may place reasonable time limitations on the statements. In a case involving Title IX covered sexual harassment, the Complainant and Respondent will be subject to cross-examination by the Advisor for the other party. The Chair of the Hearing Panel will rule on the relevancy of all questions asked by an Advisor during cross examination.
6. The College reserves the right to assign a representative of the Office of Student Affairs and/or a representative from the Office of Security and Safety to present the Complaint against the Respondent.
7. The Complainant, the Respondent and the representative from the Office of Student Affairs or the Office of Security and Safety will be able to present witnesses. The Hearing Panel will ask questions of the Parties and Witnesses. In a case involving Title IX covered sexual harassment, Parties will be given the opportunity for live cross-examination after the Hearing Panel conducts its initial round of questioning. During the Parties' cross-examination, which shall be conducted through the Parties' Advisors, the Hearing Panel will have the authority to pause cross-examination at any

time for the purposes of asking their own follow up questions and take any time necessary in order to enforce the established rules of decorum.

In a case involving Title IX covered sexual harassment, should a Party choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the hearing panel. A Party's waiver of cross-examination does not eliminate the ability of the hearing to use statements made by a Party or Witness.

As stated above, each Party's advisor will conduct the live cross-examination of the other Party or Parties and Witnesses. During this live-cross examination, the Advisor may ask the other Party or Parties and Witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the Hearing Chair will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Hearing Panel may be deemed irrelevant if they have been asked and answered.

In cases involving allegations of sexual misconduct that do not constitute Title IX covered sexual harassment, witnesses are not subject to live cross-examination. Rather, the Parties are given the opportunity to submit written questions to the Hearing Chair to be asked of any other Party or Witness, provided the questions are relevant as determined by the Hearing Chair.

8. Relevant records, documents, and written statements may be accepted and considered by the Hearing Panel; in cases of sexual misconduct, all parties have the right to exclude their own prior sexual history with persons other than the party in the judicial process or their own mental health diagnosis and/or treatment from admittance in the College disciplinary stage that determines responsibility.

9. The Complainant and the Respondent may be present throughout the entirety of the proceeding, except for the deliberation phase.

10. Witnesses will be asked to remain until the end of the hearing in the event they must be called back for clarification of their testimony.

11. Witnesses will appear separately and will leave the hearing room after their testimony is completed. Witnesses are not permitted to leave the vicinity of the hearing room until permission has been granted by the Hearing Panel and are instructed not to communicate with other witnesses outside the hearing during the proceedings.

12. The Complainant and the Respondent may present concluding remarks. The Hearing Panel may place reasonable time limitations on the statements.

13. At the conclusion of the hearing the Hearing Panel will advise the Complainant and the Respondent that their determination will be given, in writing, to the Director of Student Conduct when the respondent is a student, the VP of Academic Affairs when the respondent is a faculty member and the VP of Finance when the respondent is an administrator or staff.

14. The Accused prior conduct record will be a factor in determining the appropriate sanction(s) if a violation of this policy is found to have occurred.

In cases of sexual misconduct, past findings of domestic violence, dating violence, stalking, or sexual assault, are admissible in the sanctioning stage. This includes past responsible findings which occurred at previous colleges,

universities, or schools attended by the respondent, criminal convictions, guilty, or no-contest pleas for acts of interpersonal violence, sexual violence, or other acts of violence. All parties will have the opportunity to make an impact statement to the Hearing Panel when they are deliberating an appropriate sanction(s).

The rules of evidence applicable to Federal, State and Local courts do not apply to proceedings at the College. Fair process is as defined in these procedures.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to College consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their Advisors.

Hearings are recorded for purposes of review in the event of an appeal. Hearing panel members, the parties and/or the persons who initiated the action and appropriate administrative officers of the College will be allowed to listen to the recording in a location determined by the Title IX Coordinator, the Director of Student Conduct, or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator or designee. The parties and/or the persons who initiated the action confirm that they will protect the privacy of the information contained in the recording.

Upon completion of the hearing process, the hearing panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the violation(s) in question.

The Title IX Coordinator, Deputy Title IX Coordinator, Director of Student Conduct, or designee will simultaneously inform the respondent and the reporting party of the hearing panel's determination within ten (10) business days of the hearing, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

## STANDARD OF PROOF

The College uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of Formal Complaints covered under this Policy. This means that the investigator(s) and Hearing Panel are tasked with determining whether it is more likely than not that the Respondent committed each alleged violation of the Policy.

## 12. Sanctions

### STUDENT SANCTIONS

If a Respondent student is found responsible by a majority of the Hearing Panel, then the panel will determine appropriate sanctions in consultation with the Director of Student Conduct to ensure consistency. Respondent student sanctions may include:

**DISCIPLINARY REPRIMAND:** A written or verbal notice that the student has been found in violation of a specific regulation, and that repetition or continuation of this violation may result in further disciplinary action.

**RESTITUTION:** Reimbursement by the student to the College or a member of the College community to cover the cost of damage to or misappropriation of property.

**RESTRICTION:** Withdrawal or restriction of certain privileges for a specific period of time, such as participation in student activities, use of computing services representing the College.

**FORCED RELOCATION:** Relocation of the student to another area of the residence community for the common good. When a student is relocated, they will not be permitted to return to the residence area in which they were removed for a period of at least one calendar year. Return to the original area will be at discretion of the VP for Students and/or the Director of Residence Life.

**CAMPUS COMMUNITY SERVICE ASSIGNMENT:** The assignment of tasks or work appropriate to the violation, which will benefit all or part of the College community.

**FINES:** A monetary assessment that may vary because of the nature and/or the frequency or nature of the violation.

**MANDATORY ALCOHOL/DRUG EVALUATION AND/OR EDUCATION:** Mandate students to obtain an Alcohol/Drug Evaluation and/or attend a mandatory Alcohol/Drug Education Workshop. The Counseling Services Office will facilitate this process.

**NO TRESPASS AND NO CONTACT ORDERS:** In addition to No Trespass and No Contact Orders that may be imposed pending an investigation and/or the resolution of an alleged violation of this policy, the College may also impose No Trespass and No Contact Orders as discipline upon the outcome of a hearing.

**INTERIM SUSPENSION:** In any non-Title IX Grievance process, an interim suspension may be imposed pending an investigation and/or the resolution of an alleged violation of this policy. An interim suspension is not disciplinary in nature.

**SUSPENSION OF PARTICIPATION IN CAMPUS ACTIVITIES:** A student's ability to participate in a campus leadership position or other campus activities may also be impacted or suspended if a student is found responsible for sexual misconduct under this policy.

**STUDENT LIFE PROBATION:** A defined period of time during which any further violations of the Student Code of Conduct or this Policy may result in additional disciplinary sanctions. Additional sanctions include (but are not limited to) Disciplinary Probation, Residence Suspension, and loss of on campus recreational privileges. Future violations could jeopardize a resident student's housing or a commuter student's campus privileges.

**Parental Notification:** The College recognizes each student as a responsible adult. However, parents/guardians will receive written notification, as allowable under FERPA, from Mount Saint Mary College if a traditional student receives any of the following sanctions listed below as part of a disciplinary conference. This notification will include a copy of the student's sanction letter and will be mailed to the permanent address listed on the student's MSMC account. The health and safety are paramount. The College reserves the right to notify parents/guardians in situations where it has come to the College's attention that a student's health or safety is in jeopardy. A traditional college student, is defined as an undergraduate student, age 23 or younger.

**DISCIPLINARY PROBATION:** An official and final warning directing the student to comply with the terms of the probation and to exhibit good conduct in general by obeying College rules and regulations during a specified probation period. Further violations and/or failure to comply with sanctions will require that the student meet with the VP for Students. The VP for Students will meet with the student to determine if additional Judicial Action is necessary.

If additional judicial action is required, the VP for Students or his/her designee, will conduct a special hearing pursuant to the terms of the Disciplinary Probation. Sanctions may then be imposed pursuant to the terms of probation and may

include dismissal from the residence hall and/or the College, and parent/guardian notification to the extent permitted under FERPA. The VP for Students decision is subject to appeal consistent with the appeal procedures outlined in section 15 of this policy. Students will lose seniority and/or priority in the room selection process and be restricted from living in the same room the following year.

**WEEKEND SUSPENSION:** Suspension from on-campus residence and/or from the entire campus grounds for one or more weekends. Generally, a student is suspended for weekends up to a semester or more. In such circumstances, students must be off campus and/or out of the residence halls by a designated time on Fridays and cannot return to campus and/or the residence halls until a certain hour on Monday. Times would be determined by the hearing officer and the student's schedule. Future violations jeopardize the student's housing. Students may lose seniority and/or priority in the room selection process and be restricted from living in the same room the following year.

**RESIDENCE SUSPENSION:** The student will be asked to terminate occupancy of on-campus residence for a specified period of time. The student must remove all belongings from the residence hall within 24 hours of receiving notice, returning all keys to residence life. The student will be obligated to pay the full room and board charge for the semester in which they are dismissed. During the suspension, the student will be denied access to all residence hall facilities. After the residence hall suspension period ends, the student is required to return to campus housing and will be billed room and board upon re-registration for classes accordingly. Upon return, the student will not be guaranteed his/her original place of occupancy and the student's seniority and/or priority in the room selection process will be reviewed. Students may lose seniority and/or priority in the room selection process and be restricted from living in the same room the following year.

**DISCIPLINARY SUSPENSION:** Temporary separation from the College, including the residence halls, with the right to apply for readmission. The terms of the suspension may be set for an indefinite period of time, and special conditions upon readmission may be designated.

The Office of Student Affairs is authorized to place a "Student Affairs" hold on the suspended student's registration account to prohibit re-enrollment during the suspension period. Once the suspension period ends, a written request for re-enrollment must be submitted to the Student Affairs. The Vice President, or designee, in consultation with other College officials, will review the documentation and notify the student, in writing, of the outcome. If the request is granted, the "Student Affairs" hold will be removed within ten (10) business days.

Factors considered in review of requests include:

- The conduct of the student subsequent to the disciplinary suspension;
- The nature of the disciplinary suspension; and
- The information provided by the student in the written request.

**DISMISSAL/EXPULSION:** Permanent separation from the College and/or residence halls. The Office of Student Affairs is authorized to place a Student Affairs hold on the dismissed student's registration account to prohibit re-enrollment.

#### EMPLOYEE SANCTIONS

In consultation with the Director of Human Resources, responsive actions for an employee who has engaged in sexual misconduct, harassment, discrimination and/or retaliation include disciplinary action, up to and including termination from employment.

### **13. Transcript Notations**

For all crimes of violence, including, but not limited to forcible and non-forcible sex offenses, a notation will be placed on the transcript of the student found responsible after a conduct process. The transcript shall read: "SUSPENDED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION" or "EXPELLED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION."

Notations will not be removed prior to one year after the conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

To request that a transcript notation be removed after a suspension ends, a student must submit a written request to the Vice President for Students; this request will be considered one year from the date of the suspension's end. The Vice President for Students, in consultation with other College officials, will review the documentation provided. The student will be notified of the outcome, in writing, and, if the appeal is granted, the transcript notation will be removed within ten (10) business days.

- Factors considered in review of requests include:
- The conduct of the student subsequent to the disciplinary violation;
- The nature of the disciplinary violation; and
- The information provided by the student in the appeal.

All reviews are subject to the approval of the College president or his/her designee and will be final within the College Student Judicial Code Structure.

### **14. Withdrawal, Graduation, Or Resignation While Charges Pending**

#### **STUDENTS**

For respondents who withdraw from the College while such conduct charges are pending, and decline to complete the disciplinary process, the College will make a notation on the transcript of such students that they "Withdrew with Conduct Charges Pending." Students will not be permitted to return to the College unless all sanctions have been satisfied and/or hearing takes place. The College reserves the right to withhold a degree from an accused or respondent student who graduates subsequent to the filing of a formal Title IX and/or Sexual Misconduct Complaint but prior to completion of a formal adjudication as provided for in this policy.

#### **EMPLOYEES**

Should an employee resign while charges are pending, the records of the Title IX Coordinator or designee will reflect that status. The Title IX Coordinator or designee will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

### **15. Appeals**

A three-member panel designated by the Title IX Coordinator, the Deputy Title IX Coordinator, the Director of Student Conduct, or designee, consisting of individuals who were not involved in the grievance previously, will consider all appeal requests. Any party may appeal by submitting a written appeal within (14) days of the Hearing Panel's issuance of its determination regarding responsibility and sanctions. Appeals are limited to the following grounds:

- A procedural error, omission, or irregularity occurred that significantly impacted the outcome of the hearing (e.g., material deviation from established procedures, etc.).
- To consider new evidence, unknown or not reasonably available during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included with the appeal request.
- The sanctions imposed are substantially disproportionate to the severity of the violation.
- The Title IX Coordinator, investigator(s), decision-maker(s), or Hearing Panel members had a conflict of interest or bias for or against complainants or respondents generally of the individual complainant or respondent that affected the outcome of the matter.

The appeals panel will review the written appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified in writing and given the opportunity to submit a written statement in response to the appeal. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Where the appeals panel finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:

- Appeals decisions by the appeal panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the underlying complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel unless otherwise directed by the Title IX Coordinator, the Director of Student Conduct, or designee.
- Sanctions imposed by the Hearing Panel are implemented once a determination regarding responsibility becomes final, which is occurs on either:
  - o the date that the Appeal Panel provides the parties with the written determination of the result of the appeal, if an appeal is filed, or
  - o if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- Pending appeal, the College will treat complainants and respondents equitably by offering supportive measures to both the complainant and the respondent. Supportive measures will continue prior to the imposition of any disciplinary sanctions against a respondent.

- The Chair of the Appeal Panel will normally, after conferring with the full appeals panel, render a written decision on the appeal to all parties within (10) business days from hearing of the appeal.
- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted.

## **16. Application to College Employees, Including Faculty and Staff**

One or more of the College's personnel, faculty and employee handbook policies may overlap with this policy in a particular situation. This Sexual Misconduct and Grievance policy applies to any situation where a student is the complainant or respondent. In all other situations, the College reserves the right to apply this or other applicable College policies. The College will apply this policy to any situation mandated by Title IX.

## **17. False Claims**

Filing a false claim or grievance against another person or one that is not made in good faith is a serious breach of the College code, and can incur College, civil, and legal penalties. Filing a false police report can be either a misdemeanor or felony under the New York State criminal code, depending on the circumstances.

## **18. Retaliation**

No person may intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, discriminate or retaliate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Sexual Misconduct and Grievance Policy. This includes investigations, proceedings, and hearings related to charges filed against an individual for Code of Conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

## **ADDENDUM 'A' - STUDENTS' BILL OF RIGHTS**

1. All students have the right to:
2. Make a report to local law enforcement and/or state police;
3. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
4. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;

5. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
6. Be treated with dignity and receive from the institution courteous, fair, and respectful health care, pastoral care and counseling services, where available;
7. Be free from any unfair suggestion that the reporting individual is at fault when these crimes and violations are committed, or that they should have acted in a different manner to avoid such crimes or violations;
8. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident;
9. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
10. Have access to at least one level of appeal of a determination;
11. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process, and who may also be present during all meetings and hearings related to such process if the student wishes; and
12. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.
13. The above rights are provided to students in accordance with NYS Education Law Section 6443 of Article 129-B, in addition to any other rights afforded under federal, state or local law.

#### **ADDENDUM 'B' - CODE OF DECORUM FOR ADVISORS**

The Reporting Individual, Complainant, and Accused/Respondent have the right to a person of their choice accompany them as an advisor throughout the investigation and disciplinary hearing. The Title IX Coordinator, the Deputy Title IX Coordinator or the Director of Student Conduct will notify both the reporting and accused/responding party of their right to use one advisor of their choice, including an attorney, parent or advocate who can advise them during the grievance process.

Advisors may be present at investigatory interviews and the Hearing, but they may not answer for students, make objections, or pose questions, with the exception of a party's advisor conducting cross examination at a Title IX grievance hearing, as further discussed below. The availability of an advisor to attend an interview, conduct meeting, or hearing will not unreasonably interfere with or delay the proceedings. The choice whether or not to invite an advisor is solely that of the reporting party and responding party. However, if a party does not have an advisor for a Title IX grievance hearing, then one will be provided to that party by the College.

Student Conduct Hearing Procedures:

Student Conduct Hearings for violations of the Code are conducted by a three (3) person panel made up of trained faculty and staff from the College that are designated by the Office of Student Affairs. Student Conduct hearings are closed to all members of the campus and outside community except those directly involved with the complaint.

In cases of sexual misconduct, all students (the accused, the complainant(s), and the witnesses) have the right to be accompanied by an advisor of choice throughout the entire judicial process.

All advisors who enter a hearing may be present to advise only; they may not participate directly in the hearing. Advisors who interfere with the proceedings can be excused by the hearing panel. An audio recording or a transcript of the hearing may be made and kept by the Office of Student Affairs.

In a case involving Title IX covered sexual harassment, Parties will be given the opportunity for live cross-examination after the Hearing Panel conducts its initial round of questioning. During the Parties' cross-examination, which shall be conducted through the Parties' Advisors, the Hearing Panel will have the authority to pause cross-examination at any time for the purposes of asking their own follow up questions and take any time necessary in order to enforce the established rules of decorum.

Each Party's advisor will conduct the live cross-examination of the other Party or Parties and Witnesses. During this live-cross examination, the Advisor may ask the other Party or Parties and Witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time. Before any cross-examination question is answered, the Hearing Chair will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Hearing Panel may be deemed irrelevant if they have been asked and answered. In cases involving allegations of sexual misconduct that do not constitute Title IX covered sexual harassment, witnesses are not subject to live cross-examination. Rather, the Parties are given the opportunity to submit written questions to the Hearing Chair to be asked of any other Party or Witness, provided the questions are relevant as determined by the Hearing Chair.

In a case involving Title IX covered sexual harassment, should a Party choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the hearing panel. A Party's waiver of cross-examination does not eliminate the ability of the hearing to use statements made by a Party or Witness.

Only persons involved in the hearing process will be permitted in the vicinity of the hearing. It is expected that participants and advisors will respect the dignity and privacy of College community members and keep private that which transpires during the hearing, in accordance with federal and state law. Student witnesses, when called by the College on behalf of the Complainant, the accused student, or the College, are required to participate in the hearing process.

Generally, the hearing process will be conducted in the following manner:

1. All participants and advisors will be introduced to the Hearing Panel;
2. The Hearing Panel will recite the Complaint against the student and all code sections alleged to have been violated;
3. The Accused student will state whether he or she is responsible, not responsible, or responsible with an explanation for the alleged misconduct. Responsible with an explanation means the student admits to the actions, but believes there were circumstances that should be taken into consideration by the Hearing Panel in the determination of the Complaint;
4. Statements regarding their respective positions may be given by the Complainant and the Accused student. The Hearing Panel, through its Chair, may place reasonable time limitations on the statements.
5. The College reserves the right to assign a representative of the Office of Student Affairs and/or a representative from the office of Security and Safety to present the Complaint against the accused student;

6. Relevant records, documents, and written statements may be accepted and considered by the Hearing Panel; in cases of sexual misconduct, all parties have the right to exclude their own prior sexual history with persons other than the party in the judicial process or their own mental health diagnosis and/or treatment from admittance in the College disciplinary stage that determines responsibility.
7. The Complainant and the Accused student may be present throughout the entirety of the proceeding, except for the deliberation phase;
8. The Complainant, the Accused student and the representative from the Office of Student Affairs or the Office of Security and Safety will be able to present witnesses, who will be subject to cross examination;
9. Witnesses will be asked to remain in the vicinity until the end of the hearing in the event they must be called back for clarification of their testimony;
10. In the event that a witness is not available, a signed statement from the witness may be admitted. Any such statements will be shared with the parties prior to the hearing, and the accused student will be given full opportunity to respond to the written statement at the hearing;
11. Witnesses will appear separately and will leave the hearing room after their testimony is completed. Witnesses are not permitted to leave the vicinity of the hearing room until permission has been granted by the Hearing Panel, and are instructed not to communicate with other witnesses outside the hearing during the proceedings.
12. All parties may question each other and the witnesses, through the Chair, and the Hearing Panel may direct questions as appropriate to any participant; in a case involving Title IX covered sexual harassment, Parties will be given the opportunity for live cross-examination which shall be conducted through the Parties' Advisors. Further information on cross-examination is set forth in the College's Sexual Misconduct and Grievance Policy, located in Section XI: General College Policies.
13. The Complainant and the Accused student may present concluding remarks. The Hearing Panel may place reasonable time limitations on the statements.
14. At the conclusion of the hearing the Hearing Panel will advise the Complainant and the Accused student that their determination will be given, in writing, to the Director of Student Conduct. 15. The Accused student's prior student conduct record will be a factor in determining the appropriate sanction(s) if a violation of the Code is found to have occurred.
15. In cases of sexual misconduct, past findings of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, are admissible in the sanctioning stage. All parties will have the opportunity to make an impact statement to the board when they are deliberating an appropriate sanction (s).

# MOTOR VEHICLE REGULATIONS

(Please see the Security-Safety page of the college web portal for the most current version of Motor Vehicle Regulations)

## **Introduction**

### GENERAL STATEMENT

The MSMC Motor Vehicle, Traffic & Parking Regulations have been established to govern the safe movement and parking of vehicles on MSMC property.

The regulations are based on the available supply of on-campus parking spaces, and the anticipated demand for these spaces. On-campus parking for resident students is extremely limited and the College recommends that resident students do not bring vehicles to campus. Additionally, resident freshmen are not permitted to have vehicles on the MSMC campus. Please note freshman residents will be allowed to have vehicles for the fall 2023 semester.

First year residents who need to maintain employment may request an exemption to this policy through the Residence Life Office.

### PURPOSE

The regulations will serve as the official MSMC policy for all motor vehicle operators (faculty, staff, students, guests and visitors), and will specifically address matters relating to vehicle operations and parking, vehicular and pedestrian safety, enforcement and sanctions.

### AUTHORITY

The MSMC Security & Safety Department is responsible for the administration and enforcement of these regulations. Any questions regarding these regulations should be directed to the Director, Security & Safety by calling (845) 569-3598. The College reserves the right to amend or modify these regulations as necessary to ensure the safe and efficient operation and parking of vehicles on MSMC property.

## **Online Vehicle Registration:**

### POLICY

All members of the MSMC community (faculty, staff and students) wishing to use their vehicles on campus are required to register their vehicles with the Security & Safety Department by registering online on the college my.msmc portal. Unregistered vehicles parked on campus are subject to fines, vehicle immobilization and towing at the owner's expense.

### WHERE TO PICK UP PERMIT

After registering online, permits can be picked up at the Security-Safety office located in GA1. Please bring your driver's license and registration.

### LOST PERMITS

Lost permits must be reported to the Hudson Hall Security & Safety office.

### PROVISIONS

Unless otherwise stated, vehicle registration is valid only until the date indicated on the MSMC issued parking permit.

Vehicle registration will not be granted, nor will permits be issued to any person responsible for unpaid MSMC parking or traffic tickets or fines.

Individuals who will be using a vehicle on a temporary basis are required to obtain a temporary parking permit from the MSMC Security & Safety Department. Additionally, visitors and guests are asked to obtain a temporary parking permit at the Security & Safety office in Hudson Hall.

Handicapped parking permits are required for any individual with a physical disability who wishes to park in designated handicapped parking spaces. To obtain an MSMC handicapped permit, individuals must report to the Health Services Center with a physician's recommendation for such permit. The Director of Health Services will issue an authorization for handicapped parking privileges which must be returned to the Security & Safety Department. Handicapped parking permits may be issued on a temporary or permanent basis. State issued permits are valid on campus.

#### PERMITS: (YEARLY EXPIRATION EXCEPT FACULTY/STAFF, BI-YEARLY)

The issuance of an MSMC parking permit is not a guarantee of available parking, nor does it guarantee that a vehicle operator will be able to locate an authorized parking space. On-campus parking is a privilege, not a right, and to maintain that privilege, all individuals are required to abide by the established regulations.

Faculty/Staff/Student members will be issued one hang tag, which is transferable to other vehicles used by that member. Hang tags must be displayed from the vehicle's rear-view mirror while parked on campus. In the event a hang tag is left in another vehicle or at home a temporary permit must be requested for that day. Faculty/Staff hang tags may not be used by family members. Student family members must obtain a student permit. Any vehicle you intend to use on college property must be registered.

In the case of motorcycles, mopeds, and scooters, license plates must be registered.

The College does not charge a fee for the permit. For replacement permits, a replacement fee may apply.

It is the responsibility of the permit holder to ensure the permit is prominently displayed on the rearview mirror of the vehicle when parked (except motorcycles, see #3).

#### **Regulations:**

##### GENERAL STATEMENT

In addition to the regulations provided herein, all NYS Vehicle & Traffic Laws (VTL) are also in effect while operating a vehicle on MSMC property. Individuals who wish to review the VTL are asked to call the Director of Security & Safety.

The College is not responsible for any damage, theft or loss to any vehicle or its contents while the vehicle is driven or parked on MSMC property. Vehicles should always be locked when not in use, and personal property should not be left in an unattended vehicle.

It is the responsibility of all individuals who operate a vehicle on college property to read and familiarize themselves with the established regulations. Furthermore, it is expected that all vehicle operators will observe and abide by these regulations.

##### GENERAL REGULATIONS

The campus speed limit is 15 (MPH) miles per hour, weather permitting and based on road conditions. At all times, motorists must drive at a safe speed. Tickets will be issued to anyone who exceeds the established speed limit.

Fire zones are those areas that allow firefighting equipment to come as close as possible to a building in the event of a fire. Areas that are considered fire zones include, but are not limited to the following;

- a. Within 15 feet of any fire hydrant.
- b. Spaces adjacent to any building standpipe connection.
- c. Loading zones, walkways and crosswalks.
- d. Driveways which permit access to the rear of a building.
- e. Driveways between CC4 & CC12, CC9 & CC21 and CC16 & CC20.

- f. Access Road from Bishop Dunn to Dominican Center
- g. Guzman Hall commuter lot roadway along building line to Powell Ave.
- h. Roadway on the north side of Hudson Hall leading to Sakac Hall.
- i. Roadway between Kaplan Center and Hudson Hall leading to Sakac Hall.
- j. Parking in Fire Zones is strictly prohibited. In addition to being ticketed, vehicles parked in a Fire Zone will be subject to towing at the owner's expense.

At all times, all vehicles are to yield the right of way to pedestrians, even if it is apparent that the pedestrian is wrong.

The Liberty Street entrance is a one-way road, inbound traffic only.

During winter months, any vehicle which may interfere with snow removal operations should be moved as soon as possible to a location which will not impede the snow removal operations.

Any vehicle parked on college property which does not have a valid state issued license plate, registration sticker or inspection certificate will be towed at the owner's expense unless prior arrangements have been made with the Security & Safety Department. Similarly, any vehicle which remains on college property, in the same space, for an extended period of time should be brought to the attention of Security & Safety.

Disabled vehicles must be reported to Security & Safety as soon as they become disabled. All disabled vehicles are to be removed within eight hours unless special arrangements have been made with Security & Safety. Disabled and/or abandoned vehicles not reported to Security & Safety are subject to towing at the owner's expense.

IN ADDITION TO THE ABOVE REGULATIONS, THE FOLLOWING ARE PROHIBITED:

- Obtaining a permit through misrepresentation, duplication or deceptive means.
- Parking in walkways, crosswalks, pedestrian areas or on the grass.
- Parking in an area which impedes access to building standpipe connections, loading zones, trash compactors or entrance gates.
- Parking in spaces reserved for handicapped individuals, visitors, college owned vehicles, or any reserved space without appropriate permit or authorization.
- Straddling boundary markers.
- Driving in a manner that endangers your safety or the safety of any other person.
- Parking in restricted areas during restricted periods.
- Failure to obtain and clearly display a valid MSMC parking permit.
- Failure to obey traffic control signs or directions of Security & Safety staff.

#### AUTHORIZED PARKING AREAS

1. Approved parking areas are designated by parallel lines.
2. All vehicles must be parked between parallel lines.
3. Spaces marked with yellow lines are reserved for faculty/staff parking. The exceptions are those spaces designated by signage.
4. Visitor and handicapped spaces are appropriately marked and reserved for these individuals. There are also spaces reserved for college owned vehicles. Vehicles without appropriate permits are prohibited from parking in these areas and are subject to towing at the owner's expense.

## Campus Parking Lot Designation

### SPECIAL EVENT PARKING

Occasionally, the College will hold special events which may require special parking conditions and restrictions. Permit holders may not park in areas that may be blocked off by cones or marking tape to accommodate these events.

### SNOW EMERGENCIES AND SNOW REMOVAL

The City of Newburgh will notify the public and the College when a snow emergency is declared. During a snow emergency additional parking restrictions go into effect to assist the city in clearing the streets of snow and providing for emergency vehicle access. Certain streets around the College, particularly Carobene Court, are affected by snow emergency regulations. During a snow emergency parking is only permitted on one side of Carobene Court according to posted signage. During a snow emergency parking is permitted on Carobene Court according to the following schedule:

- 6 pm Monday to 6 pm Tuesday - odd side of the street (CC3, 9, 21)
- 6 pm Tuesday to 6 pm Wednesday - even side of street (CC4, 12, 16, 20)
- 6 pm Wednesday to 6 pm Thursday - odd side of the street (CC3, 9, 21)
- 6 pm Thursday to 6 pm Friday - even side of street (CC4, 12, 16, 20)
- 6 pm Friday to 6 pm Saturday - odd side of the street (CC3, 9, 21)
- 6 pm Saturday to 6 pm Sunday - even side of street (CC4, 12, 16, 20)
- 6 pm Sunday to 6 pm Monday - even side of street (CC4, 12, 16, 20)

If you are parked on other city streets, please follow the posted signage.

College personnel will also need to clear snow from campus parking lots and roadways. The Security & Safety, Facilities or Residence Life Department will communicate information to you and may direct that your vehicle be moved to assist with snow removal operations. Vehicles parked in violation of these directives or snow emergency regulations, including those parked on city streets, may be ticketed or towed.

## Enforcement

### TICKETS & FINES

Failure to observe and comply with the regulations listed herein will result in the imposition of tickets and fines, as follows:

1. Failure to register vehicle or display permit	\$25.00
2. Parking in a No Parking Zone (crosswalk, walkway, loading dock, sidewalk, snow emergency)	\$25.00
3. Straddling boundary marker	\$25.00
4. Parking in a Fire Zone or within 15 feet of a fire hydrant	\$50.00
5. Parking in a loading zone	\$25.00
6. Parking on grass	\$25.00
7. Failure to stop at STOP sign	\$50.00
8. Exceeding campus speed limit	\$50.00
9. Obstructing traffic or blocking roadway	\$25.00
10. Parking in a Faculty/Staff lot during restricted hours	\$25.00
11. Reckless/unsafe driving	\$50.00

12. Parking in a handicapped space	\$50.00
13. Parking in spaces designated for visitors or college owned vehicles	\$25.00
14. Parking in commuter lot w/o proper permit	\$25.00
15. Parking in resident lot w/o proper permit	\$25.00
16. Parking in a non-authorized space	\$25.00

Additionally, vehicles without a valid MSMC parking permit will be charged a non-refundable fee of \$15 to conduct a NYS Department of Motor Vehicles search to determine the identity of the vehicle's owner.

All fines assessed are the responsibility of the MSMC permit holder, or the student/faculty/staff member of an unregistered vehicle. Payment may be made to Student Financial Services in person, or by mail. If paying by mail, include a check payable to Mount Saint Mary College; note the ticket number on the check and mail to the Student Financial Services, 330 Powell Ave, Newburgh, NY 12550. DO NOT send cash in the mail. Unpaid fines will be added to the student's financial account.

Individuals who receive an excessive number of tickets and those who have established a history of not paying fines may lose their parking privileges and their vehicles may be subject to towing and storage charges at the owner's expense. Student transcripts and class registration will be withheld until all outstanding fines have been paid. Individuals whose vehicles receive seven violations in an academic year may be notified that their parking privileges have been revoked. Vehicles owned or operated by an individual who has had his/her parking privileges revoked will be towed at the individual's expense.

### **Vehicle Immobilization (Booting) & Towing**

In addition to issuing tickets and fines, the College reserves the right to immobilize (boot) and/or remove (tow) vehicles which violate these regulations.

Vehicles that have received three tickets in an academic year will be subject to being immobilized (booted). Vehicles receiving six tickets in an academic year will be subject to being towed, however, depending on campus conditions, immobilization (booting) and / or towing may be authorized at any time for vehicles including but not limited to the following:

- Without a valid MSMC permit.
- Without a valid state issued license plate.
- In repeated or chronic violation of MSMC parking regulations.
- Parked in driveways, crosswalks, loading zones or fire zones.
- Parked on the grass or sidewalks.
- Blocking access to buildings, garages or trash pick-up and removal areas.
- Parked in such a way as to constitute a hazard to vehicular or pedestrian traffic, or to the movement and operation of emergency equipment.

Additionally, vehicles which have been immobilized (booted) or towed will be subject to the following conditions:

1. Any vehicle which is "booted" will be required to pay a \$ 35. Immobilization Fee" which must be paid prior to the booting device being removed. This immobilization fee is not subject to appeal and is non-refundable.

Individuals will be required to obtain a receipt for payment from the Finance Office which must be presented to the Security & Safety Department in order to have the boot removed.

If the Finance Office is closed when an individual wishes to pay the Immobilization Fee, the vehicle will remain immobilized until such time that the Finance Office is open and payment is made.

2. An added fine of \$ 175.00 will be imposed when the boot is tampered with in an attempt to remove it, or damaged. This fine cannot be appealed.
3. Any vehicle which remains “booted” for a period of 72 hours will be towed at the owner’s expense.
4. Any vehicle damage caused while in the process of attempting to remove the “boot” without authorization or while in the process of driving a vehicle with the “boot” attached is the sole responsibility of the vehicle owner.
5. All costs associated with a vehicle being towed resulting from a violation of these regulations are the responsibility of the vehicle’s owner. Be aware that the towing vendor will charge separate fees for towing and daily storage of the vehicle.

The Security & Safety Department will make a reasonable effort to locate and notify the owner/operator of a vehicle prior to authorizing a tow. “Booting” will be authorized without owner/operator notification.

### **Appeals**

Any individual who is issued a ticket as provided by these regulations has a right to an appeals process. The appeals process may be used to resolve any dispute or objection an individual may have regarding the issuance of a ticket or imposition of a fine.

1. All parking ticket appeals must be submitted within 10 days of the date ticket was issued.
2. All permit holders are required to learn the college’s parking regulations. Ignorance is not a reason for appeal.
3. Appeals are for legitimate excuses being submitted for approval, not to debate the college parking policy.
4. All college parking spaces have lines painted on the ground. If there are no lines on the ground marking the parking space, it is not a legitimate space.

Anyone wishing to file an appeal can obtain an appeal form at the Security & Safety office located in Hudson Hall, or on the Security & Safety section of the web portal. The form must be clearly written and all requested information included. NOTIFICATIONS OF APPEAL DECISIONS WILL BE MADE BY EMAIL.

### **Stranded Vehicle Assistance**

To assist motorists who encounter unforeseen difficulties, the Security & Safety Department may be able to offer vehicle jump starts and/or assistance with vehicle lockouts.

Security & Safety Officers will not be required to change flat tires but may provide help calling for assistance. The College will not be responsible for any damage caused by or resulting from any assistance offered by an MSMC Security & Safety Officer. Motorists are required to sign a waiver prior to receiving assistance.

### **Security Escorts**

Students arriving/leaving late to/from campus and who do not feel comfortable walking to their on campus building/vehicles may request Security to provide an escort to walk with them. Please call (845) 569-3200 to arrange an escort.

### **Handicap Permit Holders**

Handicap spaces are to be utilized only by the individual that was issued the permit. Parking in handicap spaces by other than the actual permit holder can result in the suspension of parking privileges.

Handicap permit holders may be requested by the Security department to provide proof that a permit is registered to an occupant of the vehicle occupying a handicap space.

Resident and Commuter students using a handicapped parking permit issued by a municipality must present the permit and their driver’s license at the Security Office in Hudson Hall when picking up their MSMC parking permit.

## **Transportation Alternatives**

To alleviate traffic congestion and to provide sufficient available spaces, faculty/staff and commuter students are encouraged to form carpool groups when possible. The application for a carpool permit along with requirements for the program is available on the Security & Safety section of the college web portal.

Additionally, faculty/staff and commuter students living in close proximity to the college are encouraged not to bring vehicles onto campus.

## **MISCELLANEOUS**

### **Etiquette**

- Pedestrians always have the right of way.
- The Powell Avenue, Gidney Avenue, and Carobene Court gates allow for traffic entering and exiting campus. Be considerate of other vehicles that may be traveling in the opposite direction. The Liberty Street gate is one-way, inbound traffic only.
- Slow down when approaching speed bumps.
- In poor lighting conditions such as dusk, early morning and during inclement weather, always drive with your headlights on.
- Park responsibly. Do not straddle line markings.
- Be careful of other vehicles when opening the doors of your vehicle.
- Be considerate of visitors and those with handicapped parking permits. Do not park in spaces designated for these individuals.
- Some campus roadways are narrow. Do not attempt to pass another vehicle and always slow down when a vehicle approaches from the opposite direction.
- Use caution when backing out of spaces.

### **Safety Tips**

- Always lock your vehicle when leaving it unattended, even for brief periods.
- Never leave valuables in a location where they can be easily seen.
- Never pick up hitchhikers or accept rides from individuals you do not know.
- Never offer rides to strangers, even if they appear to be in distress.
- When approaching your vehicle, always be aware of its surroundings and any individual who may be close by.
- Prior to entering your vehicle, visually check to make sure it is not occupied.
- Always yield the right of way to pedestrians.
- Once inside your vehicle, always keep your doors locked. If approached by a stranger, close your windows.
- Wear your seat belt-ALWAYS.
- Talking or texting on a cellular phone while driving may distract your attention from road and traffic conditions, and is prohibited by NYS law.

## **IX. DEFINITION OF TERMS**

Motor vehicle, traffic and parking regulations - All rules, regulations, conditions and policies identified in this booklet or implemented by the college to facilitate the safe and orderly operation and parking of motor vehicles on MSMC property.

**Ticket** - Written notification to a vehicle owner / operator that the vehicle is in violation of the MSMC Motor Vehicle, Traffic and Parking Regulations

**Penalty, Fine** - Any sanction, including monetary charge, towing or booting incurred by an individual for violating these regulations.

**Permit** - All hang tags of any type issued by the MSMC Security & Safety Department.

**Fire Zone** - Any area that may require access for emergency / fire vehicles or apparatus to facilitate the task of responding to such emergency

**Disabled / Abandoned Vehicle** - Any vehicle not capable of being started or driven without some type of manual or mechanical assistance. Also includes any vehicle without valid license plates or state issued registration certificate.

**Appeal** - The process of contesting a ticket and/or fine which was issued as a result of violating these regulations

**“Boot”** - Device which is attached and secured to a vehicle tire resulting in the inability of the vehicle to be driven without sustaining mechanical and /or body damage.

**Towing** - In general terms, refers to the process of pulling, lifting or pushing a vehicle from a designated space or area.

### **Policy On Exemptions for Freshmen Resident Parking Permits:**

For Academic Year 23-24 MSMC parking and traffic regulations allow freshmen residents from having a car on campus. However, the College at times, may need to restrict this access. If this is the case students may apply for an employment exemption provided that the student is maintaining a current job in one of the nine counties listed in the three-year housing agreement.

TO APPLY FOR AN EMPLOYMENT EXEMPTION, THE FOLLOWING CRITERIA MUST BE MET:

- Employment must be maintained within one of the nine counties as stated in the College’s three-year housing agreement. The student must hold the current position prior to entering MSMC in his/her fall semester.
- A written request must be submitted by the student to the Director of Residence Life, and must include the reason for the request, time served at current position, employer information, and the days and hours the student will work.
- A letter from the current employer documenting the student’s name, length of service, and days and hours the student will work.
- Requests are granted for a semester, or part of a semester. If approved for the fall semester, a subsequent request must be submitted for the spring.
- As the exemption is for employment purposes, students approved may not use their car while on campus for purposes other than employment, or traveling to/from their home on weekends and breaks. Violation is cause for revocation of the permit.
- Approval of an exemption request does not guarantee an on-campus parking space.
- Freshmen residents who are granted an exemption may have their permit suspended if they incur three or more parking tickets. The permit may be revoked, or an application denied, if the student is in violation of the Student Code of Conduct. All residents must comply with the MSMC parking and traffic regulations.
- Any parking ticket received while the student’s car is on campus prior to approval, cannot be appealed.

# STUDENT AFFAIRS

## ATHLETICS & RECREATION

### Statement of Philosophy for Athletics and Recreation

The Department of Athletics and Recreation fulfills the Mount Saint Mary College mission by actively supporting the academic, physical, and moral character development of Mount students. The Department recruits' women and men who value their role as students first. Our effective recruiting, ongoing coaching, and support ensures our student athletes and intramural participants are motivated towards self-improvement, develop strong leadership skills, respect and value personal and professional ethics, and embrace community service.

The Department of Athletics and Recreation aims to cultivate students' physical and personal development, enrich academic learning, and foster a sense of community on campus. The intercollegiate program complements the overall quality of the educational experience by encouraging teamwork, discipline, social interaction, and competitive excellence within the context of the College's mission. Our competitive Division III varsity athletic teams contribute to the quality of life on campus by providing recreational activities and serving as a source of institutional pride. Intramurals create an atmosphere that encourages individuals to develop a lifelong learning pattern of positive recreational activity.

All of our work is carried out under the auspices of the NCAA Division III guidelines and philosophy that reads, ***“Colleges and universities in Division III place highest priority on the overall quality of the educational experience and on the successful completion of all students' academic programs. They seek to establish and maintain an environment in which a student athlete's athletics activities are conducted as an integral part of the student athlete's educational experience. They also seek to establish and maintain an environment that values cultural diversity and gender equity among their student-athletes and athletics staff.”*** (Revised 5/31/19)

The College sponsors sports for men in soccer, cross-country, track and field, basketball, swimming, baseball, tennis, lacrosse, and golf. Women's teams include soccer, volleyball, cross-country, track and field, tennis, basketball, swimming, softball, lacrosse, and golf. Coed teams include esports and cheerleading. Information regarding our intercollegiate teams as well as other athletic and recreation programs may be found at [www.msmcknights.com](http://www.msmcknights.com).

The college also provides an extensive intramural and recreation program for the enjoyment of MSMC students. Events such as basketball, flag football, soccer, plyometric, and yoga classes are just a few examples.

Sports and recreational activities are a vital component of the educational process. The intercollegiate athletics and recreation program is mindful of the students' academic life, physical health, and social maturity. Academic success is of the highest priority. Athletes, per NCAA rules, must be in good academic standing and be enrolled in a minimum course load of full-time studies. Additionally, they must be making satisfactory progress toward a degree. A student athlete on academic probation is not eligible to compete on a team during the time period of probation.

The athletic department aims to educate students in areas of sportsmanship, alcohol and drug education, gambling, and hazing. These important societal issues are relevant to today's students. The college, the NCAA, and our conference affiliations maintain positive programs to help in this education. Additionally, a student's health and well-being is of utmost importance. The college employs NYS license/BOC certified athletic trainers to oversee health and wellness and this group works closely with the college's Health Services.

For more information regarding Mount Saint Mary College athletics, including summer camps, recruiting information, statistics, and updates, please visit our website, as previously mentioned at [www.msmcknights.com](http://www.msmcknights.com).

## CAMPUS MINISTRY

Campus Ministry is at the service of all faculty, staff, and especially students with all levels of belief and of all faiths or no faith/religious background at all. The offices are located in Hudson Hall. Rooted in the rich Catholic tradition and Mount Saint Mary College's Dominican tradition, Campus Ministry helps to build a community of faith through prayer, community, study, and service. The sacramental life of the Catholic Church is offered to all through Mass, offered daily and Sundays, the Sacrament of Reconciliation offered weekly and by appointment, and the Rite of Christian Initiation for Adults program for those interested in joining the Roman Catholic Church or receiving Confirmation. Pastoral and spiritual care/advice is always available. Campus Ministry also offers a variety of activities such as prayer services,

retreats, and service programs. Examples of opportunity for service include clothing drives, food drives to help the

needy, holiday gift drives, and many others. Campus Ministry collaborates with other departments and student clubs on campus and the larger community providing opportunities to volunteer in service off campus. In keeping with the Dominican heritage of Mount Saint Mary College, Campus Ministry works closely with the Catholic and Dominican Institute supporting and directing a variety of programs that help the students come to know and appreciate the Mount's history and mission.

### **OFFICE OF STUDENT SUCCESS AND ADVISING**

The Office of Student Success (OSS) offers proactive and student-centered support for all MSMC students. The holistic and developmental approach of the OSS staff supports the academic and interpersonal development of students as they progress through their college career.

#### ACADEMIC COACHING/ADVISING

All incoming first-year students are assigned an Academic Coach, who is a Masters-level professional and is focused on supporting students as they transition from high school to college. The academic coaches work individually with students to help them develop skills that are integral to academic success, including, but not limited to: time management, study strategies, goal-setting, organization and familiarity with campus resources. The academic coaches additionally serve as academic advisors to students in an Undeclared major, as well as first-year Business and Nursing students. As academic advisors, they assist students in degree mapping and selecting courses for the following semester(s).

#### TUTORING SERVICES

Individual and small group tutoring is available to all MSMC undergraduate students free of charge in most major subject areas. MSMC tutors are current students who are highly recommended by college faculty and have received an "A" in the course content. Evidence shows that students who utilize Tutoring Services at MSMC have an easier time learning and understanding their material, which contributes directly to a student's academic success. When a peer tutor is not available, all students additionally have access through e-Class to a 24/7 virtual tutoring platform called Tutor.com. Students can easily sign up for additional hours for Tutor.com as needed through the Office of Student Success.

#### SPECIAL PROGRAMS

The OSS coordinates several special programs on campus, including:

- *The First Year Family Connection Program*, which provides family and friends of first-year students with regular updates from the Office of Student Success regarding vital and relevant college information throughout the academic year.
- *The Student Transition and Engagement Program (STEP)*, which is an academic support program for students who have demonstrated the ability to be successful through non-academic qualities, such as resilience, perseverance, self-efficacy, leadership, etc.
- *The I AM FIRST Program*, which celebrates and supports students who are first in their families to attend and/or graduate from college.

For more information about the Office of Student Success, please call (845) 569-3176 or send an email to [oss@msmc.edu](mailto:oss@msmc.edu).

### **Student Transition and Engagement Program (STEP)**

The Student Transition and Engagement Program (STEP) is a collaborative partnership between the Office of Admissions and the Office of Student Success. Students are admitted to Mount Saint Mary College through STEP because they have demonstrated the ability to be successful through skills such as self-efficacy, motivation, leadership, resilience, persistence, etc. in their academic career.

STEP students will spend their first semester both working individually with their academic coach within the Office of Student Success to focus on skills that will benefit them in their college career, such as time management, study skills, organization, adjusting to academic expectations, extracurricular involvement, etc.

## **STEP Policies**

- Students will meet with their academic coach on a regular basis
- Students will attend the Knight Summer Connections Program (KSC) prior to the start of the fall semester
- Students have the option of only taking 12 credits in their first semester to assist in acclimating to college life
- Students who are not in good academic standing after their first semester at the College will be required to continue to meet with their academic coach/advisor for their second semester.
- To assist STEP students in achieving a successful transition to college, they may not declare a major within the Natural Sciences division until after their first semester is completed.

*Any freshman student that does not meet the Nursing program admissions requirements will not have the opportunity of being a Nursing major during their time at Mount Saint Mary College.*

## **STUDENT ENGAGEMENT OFFICE**

The Student Engagement Office is a resource for all students who wish to connect outside of the classroom to the greater Mount and Newburgh community. Students may call upon the Director of Student Engagement or the Student Engagement staff as sources of information and facilitators of building campus connections with faculty, staff, and peers. The Student Engagement staff assists students in developing a well-balanced extracurricular experience and welcomes input and involvement from all students. The Student Engagement staff also serve as advisors to the Student Government Association (SGA), the Mount Activities Programming Board (MAP), and student clubs and organizations.

Student who wishes to be an active member of the Mount community can join one or more of the campuses recognized clubs and organizations. Clubs range from social to service-based, academic to cultural, and more! Clubs and organizations are open to all full-time traditional Mount students, and new members are always welcome. Don't see a club you like? You can start one! Please contact the Student Engagement Office located in Hudson Hall by sending an email to [studentactivities@msmc.edu](mailto:studentactivities@msmc.edu), stopping into the SGA office, or calling 845-569-3112. Remember that 80% of your college experience will be spent in activities outside the classroom! Your fondest memories of college may come from your involvement in campus activities. Get INVOLVED and make your memories count! A current list of recognized clubs can be found online at:

<https://www.msmc.edu/life-at-the-mount/clubs-activities/clubs/>

A Mount shuttle service provides access from the College to local shopping areas, etc. The shuttle is available to all full-time undergraduate students of the Mount community with a valid MSMC ID. The schedule can be accessed through the digital signage displays, the Student Engagement Office, on [msmc.edu](http://msmc.edu), or the college portal <http://my.msmc.edu>.

The Student Engagement Office is located in Hudson Hall 114. Additionally, The SGA and MAP Office, is also located in Hudson Hall Room 107.

## **STUDENT GOVERNMENT ASSOCIATION**

Through the Student Government Association (SGA), Mount Saint Mary College provides opportunities for full time undergraduate students to participate in a variety of co-curricular activities. The student activity fee, administered by SGA, makes it possible to offer events at reduced rates or free of charge to full-time traditional undergraduate students. Through their efforts, SGA strives to foster and provide an inclusive, respectful, nonpartisan, and safe environment for all students. Students may also participate in the various organizations and committees that constitute SGA. For more information on the SGA constitution and bylaws please visit:

<https://www.msmc.edu/life-at-the-mount/clubs-activities/student-leadership-organizations/>

## **STUDENT GOVERNMENT ORGANIZATIONS**

Be an active member of the Mount community!

Join one or more of the campuses recognized clubs and organizations. Choose from student governance, theater, dance, step team, math and many more! Commuters can get involved in the Commuter Council and residents can have a say in housing matters by joining the Resident Living Council.

The [Mount Activities Programming Board \(MAP\)](#) plans fun and engaging extracurricular events all year for students, including on-campus activities and off-campus trips. MAP's events range from gameshows and competitions to performers including magicians, musicians, and more; from sporting and gaming events to arts and crafts; from holiday and cultural celebrations to large-scale campus traditions such as Bonfire and Spring Weekend. The events are entirely student planned and driven, creating a diverse array of programs to meet the needs and interests of the MSMC student body. MAP welcomes all Mount students to join their organization and share input and ideas of the events they want to see on campus. MAP holds multiple events every single week, and strives for there to always be something to do for students on campus.

Clubs and organizations are open to all Mount students, and new members are always welcome. Remember that 80% of your college experience will be spent in activities outside the classroom! Your fondest memories of college may come from your involvement in campus activities. Get INVOLVED and make your memories count! A current list of recognized clubs can be found online:

<https://www.msmc.edu/life-at-the-mount/clubs-activities/>

To become a recognized club please contact the Student Engagement Office.

## **ANNUAL EVENTS**

Family Weekend — A weekend in the fall semester for parents and families to visit campus and participate in events.

Spirit of the Mount Week — Throughout the week leading up to Bonfire, the SGA hosts and collaborates on many campus-wide events that celebrate our Dominican Heritage and campus spirit.

Mount Olympics — Freshmen, sophomores, juniors, and seniors teams compete in various athletic events held every fall semester.

Bonfire — A fall event that is part of Spirit Week, sponsored by the Student Government Association.

Tree Lighting — Our annual tree lighting and blessing ceremony. Enjoy food and activities from around the world as we kick off the holiday season.

Spring Weekend — Every Spring the Student Government Association takes a weekend to rock the block! Non-stop activities, performers, food, and prizes help make this one of the best weekends at the Mount!

Senior Send Off — A series of activities celebrating the last few days of the senior class before graduation.

## **NEW STUDENT ORIENTATION**

New Student Orientation is a required program for all freshmen. During Orientation, students participate in a variety of programs, workshops, and social events designed to help new students become familiarized with the campus; the faculty, staff, and administration; and their fellow classmates. Students can meet their academic coaches and receive their tentative fall class schedule. Orientation leaders work with small groups of freshmen throughout the program to answer their questions and introduce them to the college community. All new transfer students participate during a separate Orientation that occurs just before the start of classes.

## **COMMUTER LIFE**

Commuter students are an integral part of student life at the College, and are encouraged to participate in all college activities and become active in the Student Government Association Commuter Council. Commuters can stay informed of college activities through digital signage displays, publicity on campus, and by visiting [msmc.edu](http://msmc.edu)

In the Hudson Hall lounges, the ground floor of Aquinas/MST, or in College Court 392/The Knight Spot, commuter students can meet other students, engage in small group discussions, participate in events, and relax between classes. Commuters may become more involved with college activities and develop close friendships with other students by attending the variety of academic and social events conducted weekly and annually.

## DINING SERVICES

Students, faculty, staff, and guests may use any of the dining locations on campus. **The View, in Aquinas Hall**, offers breakfast service throughout the day as well as a variety of house-made favorites. From hand-pressed burgers to gourmet sandwiches, international street foods to fresh dough pizzas, you will find it all at The View! The menus will include made-from-scratch meals with food from local vendors in the Hudson Valley. **The Café in Aquinas Hall** is proud to serve Starbucks coffee and espresso drinks! You will find all of your favorite lattes, Frappuccino, freshly baked pastries, and more. **Henry's Courtside in Hudson Hall** serves delicious made-to-order eggs and breakfast sandwiches in the morning, as well as a variety of flatbreads, pasta, avocado toast, deli favorites, and fresh grilled items throughout the rest of the day. The Dominican Center Café is the perfect stop for the student on the go. Choose to build your own salad, or grab one of our many freshly made options. The **365 Café in Hudson Hall** is open 24/7 and offers snacks, sandwiches, For Real ice cream and beverages.

Mount Saint Mary College offers multiple meal plans for commuters, residents, and faculty/staff. Resident students are required to select a resident meal plan while commuter students may opt for a resident meal plan or a block of meals (90, 45, and 20). Dining brochures that outline these plans are available at Parkhurst Dining on the ground floor of Aquinas Hall and additional information is available at [www.msmc.edu/life-at-the-mount/living-dining/dining-services](http://www.msmc.edu/life-at-the-mount/living-dining/dining-services)

Students, faculty, staff, and guests may use any of the dining locations on campus. The View in Aquinas Hall offers dining to all students, faculty and staff starting at 7:00am Monday through Friday and will open at 10:00am on weekends. Late night dining is also available on certain days of the week.

Your College ID card holds all your dining account information and all students are required to have the card with them. ID cards are non-transferrable. All resident and commuter student block plans and flex dollars are valid for the entire academic year and expire after the spring semester. Guest passes do reset from fall to spring semester.

## RESIDENCE LIFE

The primary focus of residential living at the College is the development of an environment conducive to the educational and personal growth of students. This encourages students to live in a community setting and learn from each other's backgrounds. The College trains Residence Life staff to assist in the implementation and achievement of this goal.

### Residence Life Staff and General Information

**Professional Staff:** The Director of Residence Life directly supervises the Residence Life Coordinator, the Resident Directors (RD), The Resident Directors oversee a group of Resident Assistants. The professional staff in Residence Life is available to provide guidance and support in all matters pertaining to residential living.

**Student Staff:** Resident Assistants (RAs) and Senior Resident Assistants (SRAs) are undergraduate students who reside in the residence halls and provide peer supervision to their fellow students. All RAs and SRAs are trained to provide competent peer assistance in the roles of advisor, student advocate, college representative, and policy enforcer in the residence halls. They facilitate individual development as well as community development within the residence hall in terms of developing a sense of cooperation, commitment to the group's welfare, willingness to communicate openly, mutual respect between community members, and responsibility to and for others as well as to oneself. RAs and SRAs are trained for emergencies and on college policies and are important liaisons between students and other members of the college community.

### A. Residence Facilities

1. The College's residential facilities include Sakac Hall, Dominican Center, College Courts, and 35 Elmwood. Each

building houses between 24 and 252 students. Specific buildings are reserved for first year students in single sex by floor or wing facilities. Other buildings house sophomores, juniors, and seniors together, and are single sex by floor or wing.

2. Each building has a kitchen and at least one lounge for students' use. It is the responsibility of the residence community to maintain basic cleanliness of both areas. Housekeeping services will maintain overall upkeep and sanitation of these areas and bathrooms. No housekeeping is provided for personal rooms. Sakac Hall, Elmwood Apartments and the Dominican Center contain suite style rooms complete with bathrooms. Resident students are responsible for the upkeep of the suite rooms, the bedrooms, and the bathrooms in Sakac Hall, Elmwood Apartments and the Dominican Center. The Facilities Department oversees housekeeping services.

3. Traditionally, first year residents are placed in double occupancy rooms in 1-, 2-, or 3-bedroom suites.

### **Triple Room Discount Policy- See in policy Section**

## **B. Housing Requirements**

1. Housing Deposit: To reserve a room on campus, resident students must pay a nonrefundable \$300 room deposit. Returning resident students will be asked to pay this each spring before room selections. New, incoming freshmen and transfer students will pay this deposit as part of the \$250 Admissions fee.

2. Residence Hall Damage Deposit: First time resident students are required to pay a \$100 residence hall damage deposit. This deposit provides security that the terms and conditions of the housing agreement will be fulfilled and the unit will be returned in its original condition when the student moves out of his or her room.

The deposit is not a damage fund where intermittent damage charges are deducted during the course of the student's residency; however, damage charges will be taken from the deposit at the end of the final year of residency. Any final damage charges incurred are assessed and posted to the student's account.

A portion of a student's housing deposit (\$100 of the total amount) is held for final dorm damage, and the remainder (\$200) is applied to the student's account toward housing fees. The \$100 residence hall damage deposit, less any dorm damage expenses, is returned to the student after graduation or when no longer a resident student.

3. Students who wish to move-off campus, must provide documentation to the Office of Residence Life prior to the room selection process. "Off-Campus Address" forms are sent out by the Office of Residence Life and must include the proposed address of residency and an emergency contact number. Failure to provide documentation prior to the room selection process will result in a "Hold" being placed on a student's account. The hold will be lifted once the student provides complete documentation. If the address is unknown before the time of the room selection process, it will be the student's responsibility to submit the required documentation to the Office of Residence Life before the start of the approaching academic year, or the student will be billed for housing. Students who fail to provide accurate information can be subject to the Student Code of Conduct.

5. Medical Applications will be reviewed within 14 business days. Once a decision has been made, if a student is approved, Residence Life and Disability Services will work collaboratively to get students into appropriate settings when they are available. We will make every effort for this to be done promptly. All documentation must be submitted to the Office of Disability Services two weeks prior to the housing lottery in order to participate in the medical housing lottery.

### **Housing Disability Accommodation Requests**

Students who would like to apply for housing disability accommodations should visit the Disability Services website <https://www.msmc.edu/life-at-the-mount/health-wellness/disability-services/> to complete the online Information and Accommodations Request Form and to download the Medical Housing form. The Medical Housing form must be completed in detail by a treatment provider who is qualified to diagnose and make recommendations regarding the disability in question and then submitted to the Office of Disability Services. All required forms and documentation should be received prior to housing placement for the semester the student is requesting the accommodations. Deadlines will be set for each semester and communicated within the housing information. All documentation will be maintained according to FERPA guidelines with a strong emphasis on maintaining student privacy and confidentiality.

When appropriate, the Office of Disability Services will consult with Health Services and Residence Life in making

determinations regarding accommodation requests related to physical disabilities and will consult with Counseling Services and Residence Life in making determinations regarding accommodation requests related to psychological disabilities. Students may request an appeal hearing for a disability concern, as outlined in Section IX of the MSMC Student Handbook, if they are not in agreement with a decision regarding their accommodation request.

\*Please Note:

- All housing accommodation requests will be reviewed on a case-by-case basis.
- Documentation of a disability does not guarantee that approval will be given for an accommodation request.
- When making housing accommodation determinations, the College considers access for living purposes only and not for other aspects of the college experience, such as studying.
- Accommodation requests can only be made for individual student accommodations, not groups
- All students participating in medical housing must choose a room that fits their specific accommodation. Some buildings or specific rooms may not be available for picking during the medical housing time due to the status of the building as well as the availability of the specific dorm

### C. Fire Regulations

1. **Prevention.** To ensure the highest possible level of fire safety awareness and preparedness throughout the campus, the College complies with all applicable state and local fire codes in addition to standards established by the National Fire Protection Association (NFPA). The College participates in quarterly and annual inspections by the City of Newburgh Fire Department and the New York State Office of Fire Prevention and Control in addition to in-house fire system testing and inspection programs. Student training and awareness programs are conducted to promote compliance with fire prevention practices and emergency response procedures both on and off the campus. The following are listed to enable a proactive response to reduce fire safety hazards on campus.
  - a. The hallways, stairways, and common areas are to be kept clear of any storage materials, flammable, or other materials.
  - b. No motorbikes, motorcycles, bicycles, or any combustible or flammable solvents are permitted inside any residence hall.
  - c. No open flame is permitted in any area of the residence halls, including but not limited to, candles (freestanding or enclosed) and incense.
  - d. Extension cords are prohibited.
  - e. Only UL approved multi-plug adapters with surge protectors are permitted. Each multi-plug adapter must be plugged to its own outlet.
  - f. No string lights, live-cut trees, live-cut wreaths/garland, and commercial lighting signs are permitted anywhere in or outside of college residence halls.
  - g. No combustible materials such as vegetation, bunting, textile, plastic material, straw, excelsior, paper, or other combustible material shall be placed in the public area of any residence hall.
  - h. No halogen lighting fixtures are to be used in any area of the residence halls.
  - i. No hotplates or other cooking appliances are to be brought into the residence halls.
  - j. Doors designated as fire doors and front doors must be kept closed at all times.
  - k. Regular fire drills will be conducted during the academic year. Students are expected to promptly and safely exit the building to a predetermined gathering site and await further instructions. All alarm activations are to be treated as actual fire emergencies. NEVER ASSUME an alarm is false. Failure to properly exit during a drill or other alarm activation will result in judicial action.
  - l. Tampering with or covering fire safety equipment (extinguishers, smoke detectors, decals, fire doors, exit lights, sprinkler systems, or other safety-related equipment) is forbidden; a fine (up to \$500) may be imposed in addition to criminal prosecution and campus disciplinary action for tampering with fire equipment.
  - m. Any act resulting from the unauthorized or malicious use of or attempted use of fire on the campus will result in campus disciplinary and/or criminal prosecution.

n. Signs, designated as evacuation map signs, located on the back of residence hall room doors cannot be covered or removed for any reason.

Any questions regarding any of the above items or other Fire Safety Practices may be directed to the Campus Safety Compliance Office at 845-569-3388.

**2. Procedure in Case of Fire.** Upon discovering a fire, no matter how small, a student should immediately pull the alarm box closest to the most immediate exit. It is essential that students learn the location of their nearest alarm pull box, exits, and designated meeting places outside the building. Students should not attempt to extinguish a fire.

#### **D. Building Safety**

All students are urged to lock their residence hall rooms and to make sure that the front doors of residence halls are secure. Propping of outer doors or fire doors is forbidden. Personal locks or chain locks on doors are not permitted. If for any reason the student does not feel secure in the room, the student may contact the Director of Residence Life to discuss options to increase security.

#### **E. Personal Safety**

For safety reasons, students are urged to avoid dimly lit areas on campus and to have someone accompany them when walking on campus after dark. Students should report any incidents immediately to campus security and/or residence life staff. If no one is available to accompany a student to the residence halls, campus security may be contacted to escort the student to his/her building after dark, pending their availability.

#### **F. Prohibited items – The below noted items are prohibited:**

- String Lights, Candles, Hot Plates, Darts/Dart boards, Extension Cords, Hoverboards, Plastic shaded lamps or any other items described in Section C(1) of this Policy.
- Firearms/Weapons of any kind

This is not an all-inclusive list. For a complete listing of prohibited items, please see the Agreement for Housing and Food Service located on the Residence Life page of the MSMC Portal.

#### **G. Housing Assignments and Room Changes**

1. The College encourages roommates to work through their issues with the assistance of the Residence Life staff before requesting room changes. If problems still exist after attempts are made to live harmoniously, the Residence Life staff will consider a room change after all appropriate means have been explored.
2. During the first two weeks of each semester, there is a room freeze in which room changes are not permitted. No room changes are permitted without the written permission of the Residence Life Office. The College reserves the right to reassign or consolidate residents when vacancies exist.
3. Room Selection – Upper-class students choose their housing for the subsequent academic year during the room selection process in the spring semester. Students are given a randomly generated selection time based on academic class year. (Class year is determined by the earned credits as of the completion of the fall semester including winter term.) Students choose their rooms in order of their selection time, starting with senior students. Housing is guaranteed for all students who appropriately follow room selection procedures, pay, and return paperwork by the stated deadlines.
4. Students placed on Disciplinary Probation or higher (Residence Suspension, Weekend Suspension, Disciplinary Suspension) will lose their priority in the room selection process.
5. Students who receive a sanction of “Forced Relocation” will not be permitted to return to the residence hall in which they resided at the time the sanction of “Forced Relocation” was issued. When a student is relocated, they will not be permitted to return to the residence hall in which they were removed for a period of at least one calendar year. Return to the original area will be at the discretion of the Vice President for Students or designee and/or the Director of Residence Life.

#### **H. Breaks and Closings**

The residence halls are closed over extended holidays such as Thanksgiving, winter holidays, Spring Break, and Easter as well as intersessions. Prior to residence hall closings resident rooms will be inspected for fire safety and Student Handbook compliance. Any unauthorized items found during these inspections will be confiscated by Residence Life

and/or Security personnel. Resident students will be sanctioned according to the Student Code of Conduct for these violations. All residents must comply with the stipulated opening and closing dates of the residence halls. In extreme circumstances, early arrivals are permitted with prior approval from the Residence Life Coordinator and at a fee of \$50 per night. Late departures are not permitted. Students who are unable to meet the dates of openings and closing must make lodging arrangements off campus. This includes but is not limited to students enrolled in accelerated courses, student teaching, or internships.

### **I. Noise Guidelines**

The residence halls are places that should be conducive to study and rest. Certain hours have been designated as quiet hours, where noise in any room with the door closed should barely be audible in adjacent rooms or common areas.

***Quiet Hours and Courtesy Hours: Sunday through Thursday: 10 pm–8 am and Friday and Saturday: 2 am–10 am***  
**The enforcement of quiet hours initially is the responsibility of the members of a residence community.**

Individual residence halls may establish additional quiet hours upon approval by the majority of residents of that building. All other hours are courtesy hours, where courtesy should be extended to other residents when a concern is expressed about noise. Residence Life staff should be contacted when attempts to seek another resident's cooperation fails. Residence Life staff may also approach students directly when they have a concern about excessive noise. All noise discussions and warnings will be documented with the Residence Life Office. Twenty-four-hour quiet hours begin at 9:00 pm on the last day of classes at the end of each semester and are in effect during the entire final exam period until the closing of the residence halls.

### **J. Social Gatherings**

Individuals living in residence halls who hold unauthorized social gatherings will be subject to disciplinary action. Residents of the building who are of legal age and are permitted to consume alcohol consistent with the Student Alcohol Policy may have alcohol privileges suspended for a designated period of time if alcohol is observed at unauthorized social gatherings. An unauthorized social gathering is defined as: common area drinking, a gathering of any size where underage drinking is taking place or where drinking is taking place with underage individuals are present (see Drug and Alcohol Policy), more than four people in a single room, eight people in a double room, change or 15 people in a four- or six-person suite, including the residents. Every student is responsible for his or her own actions. Additionally, hosts of social gatherings are responsible for the actions of the other people present.

### **K. Room Entry by College Officials**

The College reserves the right to enter and inspect any residence hall room for enforcement of college policies or whenever there is a question as to the safety, health, welfare, and general well-being of individual students or the residence community. See Room, Vehicle and Confiscation Policy

### **L. Resident Student Conduct**

If a resident student is alleged to be involved in a violation of Section IX Student Code of Conduct, the judicial process for investigation, adjudication, and appeal will follow the process as outlined in Section IX, Article 3: Judicial Code Process.

Violations of the Sexual Misconduct and Grievance Policy, located in Section IX: General College Policies provides a separate process and procedure taking into account the sensitive nature of these types of allegations.

### **M. Agreement for Housing & Food Services**

The Agreement for Housing & Food Services can be found on the Residence Life page of the MSMC portal. The agreement is electronically signed by all resident students when they complete their Housing Application during either the room selection process or as an incoming freshmen or transfer student. Information on occupancy, withdrawal procedures, the refund policies, damages, fees, and regulations can be found in the agreement.

### **N. Housing Agreement Appeal Board**

Those individuals who wish to contest a decision of the Director of Residence Life to cancel a student's housing agreement may appeal to the Housing Agreement Appeal Board.

#### **The Board is composed of three members:**

1. Two Student Affairs staff members will be appointed by the Vice President for Students or designee with one being designated as chairperson. The chairperson shall only vote when it is not possible to establish a majority decision.

2. One faculty member will be appointed by the Vice President for Students or designee.

**Appeals by resident students must be made in the following manner:**

- a) Appeals must be in writing and must be made to the Assistant Vice President for Students or designee within three classes or working days after the student has been notified of a decision to cancel a Housing Agreement.
- b) Appeals must indicate why a student feels they have not breached the Housing Agreement.
- c) Appeals may be submitted if the student believes there are mitigating circumstances and such circumstances must be stated in writing. The Housing Agreement Appeal Board will meet to evaluate the appeal. The Board's decision will be communicated to the Vice President for Students or designee who will communicate the Board's decision to the student. In cases where the Director's decision is reversed, the Board will recommend alternative sanctions. If a decision is not reversed, the student will have 48 hours to vacate his/her room and comply with check-out procedures.

**STUDENT WELLNESS CENTER**

Mount Saint Mary College Student Wellness Center under the direction of the Assistant Vice President for Students, provides a holistic approach to promoting the health and wellbeing of all students. The Student Wellness Center comprises of the Offices of Health Services, Counseling Services, and Disability Services. These offices work collaboratively on wellness services that enrich the personal and academic growth of MSMC students. The Student Wellness Center provides students with medical, counseling, and health education services that enrich their personal and academic growth. The Wellness Center emphasizes a holistic, patient-focused approach to healthcare and wellness — often including mental, emotional, functional, spiritual, social, and community aspects — and treating the whole person.

These services are complemented by a strong training and consultative role that promotes overall health, wellness and safety on our campus. Some of the collaborative services include, but are not limited to, substance and alcohol education, screening and preventative services, support for student housing and food insecurities, crisis services for medical and mental health issues, violence prevention services, and offers the PACT support program for students with anxiety and related diagnoses. The Health and Wellness Center Services are located throughout campus, contact (845) 569-3115 for more information.

**Health Services**

Mount Saint Mary College has a Health Services Center located in Guzman Hall that is open weekdays. Appointments for care are encouraged but walk-ins are welcome. Staffing includes a Nurse Practitioner, Registered Nurses, an Administrative Assistant, and an on-call consulting Physician. The Health Services Center is designed to manage chronic illnesses, provide treatment for acute illness or injury, and can work in conjunction with a student's personal healthcare provider as needed to treat illness or injury of a serious or lasting nature.

Health Services maintains electronic health records for all students. MSMC Health Forms can be found, completed and submitted on the student health portal [msmary.studenthealthportal.com](https://msmary.studenthealthportal.com) New York State Public Health laws require that all students born on or after January 1, 1957 who wish to enroll in six or more credits in any one semester provide proof of immunity to measles, mumps, and rubella (MMR). Students must upload an official immunization record from their health care provider to the student portal. The immunization record must be signed and stamped by the student's health care provider. In addition, all students, regardless of age, must complete the meningitis form on the portal reflecting whether a student has had or wishes to waive the Meningococcal vaccine. The college also requires all new full-time students to submit documentation of a current physical performed within the past year, and complete a

Tuberculosis Screening form completed within the last year found on the student health portal. **Students who do not comply with these requirements may be subject to withdrawal from the college.**

Generally, office visit fees are covered by tuition and do not require a payment. Laboratory tests (strep test, mono test, PPD, urinalysis) and many prescription medications are available, and have a minimal co-pay which is billed to the student's account. In some circumstances, a referral will need to be made to an appropriate off-campus medical facility. In this case, costs are the responsibility of the student or guardian. Students are encouraged to have medical insurance coverage, to carry a copy of their insurance card, and to know how to access care if needed. The college is located within four blocks of St. Luke's Montefiore Cornwall Hospital and several Urgent Care facilities are located within close proximity to our college campus for after-hour care. Transportation for such care can be provided by MSMC Security.

When the College suspects a student to have a serious or contagious health problem, it reserves the right to require a medical examination of the student. The College also reserves the right to require a student to return home in order to ensure that appropriate physical and mental health care is received and to protect the safety of the members of the College community.

Students absent from the college for a serious illness/injury or for a period of time beyond 3 days should contact Health Services. Students seeking specialized medical arrangements must submit a current written report from their health care provider outlining prescribed medications, diet, activity limitations, and any other necessary accommodations. Though the Health Services Wellness Center staff will advocate for the student who has provided this documentation and will assist in the process of getting the appropriate accommodations in place, **the Health Services staff is not authorized to excuse students from classes.** In the event that a student is unable to attend class due to a medical reason, even if they have a note from a medical provider, it is the student's responsibility to notify their instructors according to the class policy/syllabus.

Health Services also offers Wellness Programs throughout the year and encourages students to learn about and participate in healthy lifestyles. Topics include stress management, smoking cessation, healthy eating, and exercise, among others. This information is provided through individual student visits, collaborative presentations with Resident Assistants in the residence halls, monthly wellness tables, and other various events.

The Health Services office is home to the Stress-Less Room, a quiet room with a massage chair, ambient lighting, and relaxing music for relaxation/meditation tracks. Students are encouraged to visit Health Services to use this room to help them to relax and to promote mental, emotional, physical, and spiritual health, and thereby potentiating academic success.

For further information about Health Services, to arrange for a health services presentation, call 845-569-3152 or email [healthservices@msmc.edu](mailto:healthservices@msmc.edu) Mount Saint Mary College has a Health Services Center located in Guzman Hall that is open during the day on weekdays. It is available to all full-time undergraduate students. Staffing includes a nurse practitioner, registered nurses, a receptionist, and an on-call consulting physician. The Center is open Monday through Friday for appointments. The Health Services Clinic is designed to provide treatment for acute illness and injury, and is not designed to take the place of the student's personal healthcare provider or to treat illness or injury of a serious or lasting nature.

Health Services maintains student health records for all students.

**Requirements:** All full-time students are required to submit a completed Health Form. The MSMC Health Form is available for download from the college's Health Services website and must be completed and returned to Health Services by any new incoming student before the beginning of the semester. New York State Public Health laws require that *all students* born on or after January 1, 1957 who wish to enroll in six or more credits in any one semester provide proof of immunity to measles, mumps, and rubella (MMR). Students may submit an official immunization record from their health care provider or complete an MSMC Immunization Record. The immunization record must be signed and stamped by the student's health care provider. In addition, all students, regardless of age, must sign and return the Meningitis Information Response Form stating that they either have had or wish to waive the Meningococcal vaccine. The college also requires all new full-time students to submit documentation of a current physical performed within the

past year, and proof of either a PPD or Tuberculosis Screening form completed within the last year. **Students who do not comply with these requirements may be subject to withdrawal from the college.**

All full-time undergraduate students pay a Health Service Fee that covers all routine in-office care provided by the nurses, nurse practitioner, and physicians, as well as over-the-counter medications. Laboratory tests (strep test, mono test, PPD, urinalysis) and many prescription medications are also available, and have a minimal co-pay which is billed to the student's account. In some circumstances, a referral will need to be made to an appropriate off-campus medical facility. In this case, costs are the responsibility of the student or guardian. Students are encouraged to have medical insurance coverage, to carry a copy of their insurance card, and to know how to access care if needed. The college is located within four blocks of Montefiore St. Luke's Cornwall Hospital, where students can receive acute care after hours. Transportation for such care can be provided by MSMC Security.

When the College suspects a student to have a serious or contagious health problem, it reserves the right to require a medical examination of the student. The College also reserves the right to require a student to return home in order to ensure that appropriate physical and mental health care is received and to protect the safety of the members of the College community.

Students absent from the college for a serious illness/injury or for a period of time beyond 3 days should contact Health Services. Students seeking specialized medical arrangements must submit a current written report from their health care provider outlining prescribed medications, diet, activity limitations, and any other necessary accommodations. Though the Health Services Wellness Center staff will advocate for the student who has provided this documentation and will assist in the process of getting the appropriate accommodations in place, **the Health Services staff is not authorized to excuse students from classes.** In the event that a student is unable to attend class due to a medical reason, even if they have a note from a medical provider, it is the student's responsibility to notify their instructors according to the class policy/syllabus.

Health Services also offers Wellness Programs throughout the year and encourages students to learn about and participate in healthy lifestyles. Topics include stress management, smoking cessation, healthy eating, and exercise, among others. This information is provided through individual student visits, collaborative presentations with Resident Assistants in the residence halls, bi-monthly wellness tables, and an annual Health and Wellness Fair.

Health Services offers chiropractic care through a partnership with Abreu Family Chiropractic Center, with the chiropractor coming to campus twice weekly. The Health and Wellness Suite is also home to the Stress-Less Room, a quiet room with a massage chair, ambient lighting, and relaxing music for relaxation/meditation tracks. Students are encouraged to visit Health Services to use this room to help them to relax and to promote mental, emotional, physical, and spiritual health, and thereby potentiating academic success.

For further information about Health Services, to arrange for a health services presentation, to make an appointment for chiropractic care, or to utilize the Stress-Less Room, call 845-569-3152 or email [healthservices@msmc.edu](mailto:healthservices@msmc.edu).

## Counseling

### MISSION

The Counseling Services department seeks to promote the mental health and wellbeing of Mount Saint Mary College students by providing a welcoming, nonjudgmental, and safe environment that values and respects diversity and inclusivity.

### WHAT WE OFFER

Counseling Services at Mount Saint Mary College offers free, confidential, short-term services for current, matriculated students seeking mental health treatment. Our professional counselors and clinical graduate interns help students work through a variety of mental health challenges that can arise during college through various services such as individual counseling, groups, psychoeducation, referral and resource assistance, and wellness-related campus events. All services

are able to be accessed in person or virtually, regardless of whether a student commutes or lives on campus. Many students find it helpful to have a safe place to speak freely about their thoughts and feelings, and common reasons students seek out Counseling Services include: anxiety, depression, stress, and issues related to relationships, family, academics, and more. Counseling Services staff can also provide consultations to MSMC staff and faculty related to general student concerns and psychoeducational content, as well as classroom presentations and collaborations with other departments for campus events.

#### SCOPE OF CARE & REFERRAL SERVICES

There's no shame in asking for help, and no reason is too small to come in to our office. However, there may be a time when a student requires more than what college counseling can offer, and in those cases our counselors will assist students in finding resources for receiving treatment off-campus. For example, students with a recent history of multiple psychiatric hospitalizations, severe and active eating disorders, active psychoses, or who are experiencing serious and imminent risk of harm to self or others will likely be referred to community providers, given the need for ongoing treatment and resources that are not available through MSMC Counseling Services.

#### SCHEDULING AN APPOINTMENT

All appointments are free and confidential, with no insurance needed. Appointments can be in-person or virtual using the Zoom platform. Students must schedule their own appointments – third parties are not allowed to schedule for someone else. Appointments can be scheduled between the hours of 9am and 5pm Monday through Friday by calling the office at (845) 569-3115, emailing [counseling@msmc.edu](mailto:counseling@msmc.edu), or walking in to our main office in Aquinas 6 (down the hall from The View) and speaking with the administrative assistant or other staff member. If you schedule a virtual Zoom appointment, please find a private location so you will not be disturbed and can ensure your session is kept private. Zoom appointments are offered to both commuter and resident students.

#### CONFIDENTIALITY

The information shared with your counselor at MSMC Counseling Services is kept confidential in accordance with professional, ethical, and legal guidelines. Treatment records are kept separate from education records and are not released without your written consent. Only in situations where safety is a concern and there is imminent risk of harm can information be shared, and in these situations only for the purpose of ensuring safety. All of our counselors will discuss confidentiality with you upon your initial visit and on an ongoing basis, and can assist with any questions you may have.

#### EMERGENCY & CRISIS SUPPORT

If you are experiencing a life-threatening Mental Health emergency, or have serious reason to believe that someone you know is a danger to themselves or others, please call 911 or go to the nearest Emergency Room. Students needing support for a non-life-threatening mental health crisis during normal office hours are encouraged to call or walk in to the office. Should a non-life-threatening crisis occur after normal office hours, resident students are encouraged to contact their RA, RD, or MSMC Campus Safety & Security (845-569-3200) to access support from campus staff and to request phone contact with an on-call counselor who can assess your situation and offer assistance. For after-hours emergencies, commuter students are encouraged to contact the following off-campus crisis helpline resources (based on MSMC commuter county information as of June 2023):

- Orange County, NY
  - **Orange County Crisis Call Center: 1-800-832-1200**
- Ulster County, NY
  - **Ulster County Mobile Mental Health: (844) 277-4820**
- Sullivan County, NY
  - **Mobile Mental Health (18+): 800-710-7082 or 845-791-7123**
  - **SAMHSA (Substance Abuse and Mental Health Services Administration) Helpline: 1-800-662-4357**
- Rockland County, NY
  - **Rockland County Behavioral Health Response Team: (845) 517-0400**
- Dutchess County, NY
  - **Dutchess County Helpline: (845) 485-9700**

- Putnam County, NY
  - **NAMI Putnam County Crisis Hotline: (845) 225-1222**
- Westchester County, NY
  - **Crisis Prevention and Response Team through St. Vincent’s Hospital: (914) 925-5959**
- Bergen County, NJ
  - **Bergen County Crisis Hotline: (201) 262-HELP (4357)**
- Fairfield County, CT
  - **The Connecticut Mental Health Center Mobile Crisis Intervention and Evaluation Unit: (203) 974-7300**
- National Crisis Helplines:
  - National Suicide Prevention Lifeline: 988
    - Crisis Text line: 741741
  - The Trevor Project Lifeline (LGBTQIA+ specific support): 1-866-488-7386 or text “Start” to 678-678
  - LGBT National Hotline: 1-888-843-4564
  - National Sexual Assault Hotline: (800) 656-4673
  - National Domestic Violence Hotline: 1-800-799-SAFE
  - National Eating Disorders Association (NEDA) helpline: 1-800-931-2237

#### SERVICES NOT PROVIDED

Due to the nature of college counseling, our office is not able to provide certain specialized services. We can refer students to community providers, if requested. *This list is not exhaustive: if you have any questions, please reach out to the Counseling office.* Services not offered include:

- ADHD evaluations
- Autism Spectrum evaluations
- Psychiatric services
- Medication management
- Learning Disability assessments
- Emotional Support Animal letters
- Disability paperwork

#### CONTACT INFORMATION

Location: Aquinas 6

Main Office phone number: (845) 569-3115

Main Office email: [Counseling@msmc.edu](mailto:Counseling@msmc.edu)

Fax: (845) 569-3135

Hours: Monday through Friday 9:00am to 5:00pm (*hours may adjust throughout the year as needed; always refer to the MSMC website for updates or speak with a staff member*)

#### Disability Services

The Disability Services office acts as a resource for students who need assistance in addressing disability issues and concerns. Disability Services coordinates Mount Saint Mary College’s academic and non-academic campus accommodations (including for temporary disabilities), assists students in communicating needs to faculty and staff, and works collaboratively with other departments to resolve any concerns related to disability needs that may arise. Students with documented disabilities who require academic adjustments, auxiliary services, or accommodations must identify themselves to Disability Services and present appropriate documentation for review, as described below.

#### Applying for Disability Accommodations

In order to qualify for disability accommodations at Mount Saint Mary College, students must meet the definition of an individual with a disability as defined by the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). Under these laws, an individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such

impairment, or a person who is regarded by others as having such impairment.

In order to establish disability status and receive accommodations, students must provide Disability Services with current and comprehensive disability documentation supporting the student's impairment(s). Accommodations depend upon the nature and degree of severity of the documented disability. Updated and recent documentation must be provided by a qualified professional and should attest to the existence of a disability and the impact of the disability on academic performance and/or daily functioning as it relates to campus life. The appropriate accommodation request forms can be found on the Disability Services webpage located at [www.msmc.edu](http://www.msmc.edu) or the Disability Services office. Students can also request a copy of this packet by calling or emailing the Disability Services office.

Upon receipt of all necessary forms, documentation, and testing data, Disability Services will review the information and determine the student's eligibility for accommodations. In some instances, Disability Services may need to contact the doctor or the other professionals who have provided the documentation in order to clarify the nature of the disability and to help determine the student's eligibility for accommodations. Disability Services may also request to have further contact with the student and his/her family in determining the student's eligibility for accommodations.

Every effort will be made to provide accommodations in a timely manner, but circumstances such as incomplete documentation and/or last-minute requests for accommodations may delay this process. If a student requests a specific accommodation, the College may offer that accommodation or it may offer an effective alternative. In providing accommodations, the College will not lower or substantially modify essential requirements. Moreover, the College will provide accommodations that do not fundamentally alter the particular service, program or activity being provided to the student and which do not would result in an undue financial or administrative burden.

Once accommodations have been granted, Disability Services will send a confirmation email to inform the student of the accommodations that have been approved for him/her at Mount Saint Mary College.

### **Disclosure of Information**

Disability related information provided to Disability Services is considered an educational record, which falls under the protection of the Family Educational Rights and Privacy Act (FERPA). FERPA permits Disability Services to share information about the impact of a disability and accommodation eligibility with other Mount Saint Mary College officials who have a legitimate educational interest. A college official includes, but is not limited to, faculty and instructional staff, the Vice President for Students, Assistant Vice President for Students, Residence Life staff, Office of the Registrar staff, academic coaches, Safety/Security staff, Counseling Services staff, and Health Center staff. Legitimate educational interest means that the college official needs to review an educational record or receive educational record information in order to fulfill his or her professional responsibilities. Sharing this information does not require student consent under FERPA.

Disclosure of educational record information to a Mount Saint Mary College official having a legitimate educational interest does not, however, constitute authorization for that person to transmit, share, or disclose any or all of that information to a third party who does not have a legitimate educational interest.

### **Consent to Release Records**

Written consent is required for the release of records to non-college officials. Disability Services staff will provide disability documentation to a specified individual after a student has provided written authorization or consent. The Authorization to Release Information form can be found online at [www.msmc.edu](http://www.msmc.edu). Students can also request a copy of this form by calling or emailing the Disability Services office.

### **Self-Disclosure**

Students have the right to disclose specific disability information as they choose. A student is not required to disclose disability status when there is no need for an accommodation in a class or other campus setting. A delay in appropriate disclosure can result in a student not receiving an accommodation for a particular activity or in a particular setting or environment because insufficient time is available to arrange or provide the accommodation.

Should there be any disagreement about documentation, the review process, accommodations, or any other matters related to disability issues, students may request an appeal hearing for a disability concern (see below for more

information).

Further information about Disability Services and disability accommodations can be obtained by contacting Disability Services staff by phone (845-569-3638) or email ([disabilityservices@msmc.edu](mailto:disabilityservices@msmc.edu)), or online at [www.msmc.edu](http://www.msmc.edu).

### **SECTION 504/ADA COMPLAINT/ APPEALS PROCESS**

If any student believes that his/her rights under 504 or the ADA have been violated, they may bring forward a complaint. Issues that can be the subject of a complaint in accordance with this policy include, but are not limited to, a denial of a requested accommodation, the inadequacy of an accommodation, the inaccessibility of a program or activity due to disability, or discrimination or harassment based on disability.

#### **A. Informal Resolution of Complaints**

The College encourages informal resolution of student concerns and complaints. If a student has a concern or complaint regarding any of the matters set forth above, the student can first attempt to resolve the problem through an informal discussion with The Assistant Director of Disability Services. To be timely, the student should initiate this informal discussion within twenty (20) days of the alleged act that gave rise to the complaint. If within ten (10) business days of the student's informal discussion with the Assistant Director, the student's complaint cannot be informally resolved to the satisfaction of the student, the student can file a written complaint under the formal procedure set forth below. A student is not required to resolve the matter through an informal discussion before filing a formal complaint pursuant to Section B.

#### **B. Formal Resolution of Complaints**

- A complaint should be filed in writing, and shall contain the name, address, student identification number and telephone number of the person filing it, and briefly describe the nature of the complaint, including the location and the date of the alleged violation. The complaint shall be filed with the Assistant Vice President of Students or designee.
- A complaint should be filed within thirty (30) days after the student becomes aware of the alleged violation.
- An investigation, as may be appropriate, will follow the filing of a complaint. The investigation shall be conducted by the 504 Compliance Committee. The College will conduct a prompt and thorough investigation, which affords the student, the subject of the complaint, other interested persons, and their representatives, if any, an opportunity to submit documents and information relevant to the consideration of and resolution of the complaint.
  - The student has the right to be assisted by a MSMC campus advisor who is not directly involved in the complaint. The campus advisor must be a full-time MSMC employee, who is acting in his/her role as a MSMC employee. The campus advisor may be present to advise only and may not participate. Advisors who interfere with the proceedings can be excused by the committee. During the course of the resolution of a grievance, the committee may call upon additional persons or request additional evidence it believes may be helpful in finding a suitable resolution.
  - Disability Services will make appropriate arrangements to ensure that the student with a disability is provided other accommodations, if needed, to participate in this process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. A student who makes use of procedure shall not be retaliated against for doing so. The availability and use of this procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the US Department of Education, Office for Civil Rights.
- A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the College's 504 Committee no later than twenty (20) business days after receipt of the complaint. A copy of the written determination shall be forwarded to the student.

#### **C. Appeal of Decision on Formal Complaint**

The student can request reconsideration of the resolution of a formal complaint if he or she is dissatisfied with the resolution. Appeals should be made within five (5) business days to the Assistant Vice President of Students or designee. The Assistant Vice President of Students or designee has twenty (20) business days to respond to the appeal. Decisions of the Assistant Vice President of Students or designee is final and are not appealable.

**An appeal hearing for a Disability Concern is not available for students seeking to appeal a decision to place a student on an involuntary leave of absence. A student seeking to appeal such a decision may invoke the Appeals Process in the Involuntary Leave of Absence Policy.**

### **ASSESSMENT AND CARE TEAM (ACT)**

Mount Saint Mary College is committed to the academic success, personal success and overall wellness of its students. As part of that commitment, MSMC is dedicated to providing a safe learning and working environment for all students, faculty, staff and other members of the College community. The Assessment and Care Team (ACT) is an integral part of this commitment.

ACT exists as a proactive, multi-disciplinary program in support of the safety, health, and well-being of all students, faculty, and staff. Its goal is to provide a structured positive method for addressing student behaviors that may adversely impact the college community, and the mission of the College, and may involve mental health and/or safety issues. The ACT consists of a group of qualified college professionals who are likely to become involved with and/or receive information pertaining to a student of concern.

The ACT provides a means by which members of the college community may refer concerns related to the above. The ACT may then assess the risk associated with these concerns and, in cooperation with other appropriate college teams or offices, formulate an appropriate response when an individual's behavior and/or statements generate concern that they may present a threat to the health or safety of self or others.

### **CAREER DEVELOPMENT**

All traditional and non-traditional students, as well as alumni, may utilize the opportunities for career exploration and decision-making that are available through individual counseling and group workshops offered by the Career Center. These include career assessment testing, resume and cover letter writing, job search strategies, interview skills, applying to graduate school, and other career-related topics. Job seekers may search for job opportunities on the Career Center Knight Network at [www.msmc.edu/knightnetwork](http://www.msmc.edu/knightnetwork).

Throughout the academic year, the Career Center presents a number of events and services designed to help students prepare for their professional lives. These programs help students enhance their professional image and develop skills that will serve them throughout their lives. Located in Aquinas Hall, the Career Center offers students information and services to assist them with their career goals.

Detailed information, including resources and a calendar of events, is available on the Career Center portal page. Visit the MSMC Portal, then click on Offices, then Career Center. Kindly contact the Career Center at 845-569-3175, or stop into the office in Aquinas 102, if you have any questions or if you would like to schedule an appointment with a staff member.

# THE OFFICE OF DIVERSITY, EQUITY, & INCLUSION

The Office of Diversity, Equity, & Inclusion (DEI) seeks to create a welcoming, diverse, equitable, and inclusive campus environment. For students, this means creating an environment inside and outside the classroom that is inclusive of all students attending Mount Saint Mary College. The Office of Diversity, Equity, & Inclusion also serves as a resource and support for all students in matters related to their education, safety, personal growth, and well-being. More information about the Office of Diversity, Equity, & Inclusion can be found at [www.msmc.edu/dei](http://www.msmc.edu/dei). The office is located in Guzman Hall 201.

## STUDENT FINANCIAL SERVICES

### FINANCIAL AID & STUDENT ACCOUNTS

Mount Saint Mary College's Office of Student Financial Services combines Financial Aid and Student Accounts in one location. We are located in Guzman Hall, 2nd Floor. Student Accounts services students' billing and payment processing. Students may refer to the Undergraduate and Graduate Catalogs for detailed information on tuition and fees, payments and refund/drop/withdrawal policies. Financial Aid provides assistance in helping students access funding in the form of scholarships, grants, loans, and part-time employment from a variety of sources including Federal, New York State, private, and institutional.

No student will be barred from consideration for financial aid due to race, gender, creed, age, disability or other characteristics protected by law. All U.S. citizens and eligible non-citizens will be considered for financial aid if they file a Free Application for Federal Student Aid (FAFSA). If you file your FAFSA late in the semester, please contact the SFS office as your aid package may have to be processed manually. Any student who is in default of a federal loan, owes a repayment on any federal funds, or has discharged a previous Federal student loan in bankruptcy are ineligible for financial aid from any source until the default or repayment is resolved.

### FINANCIAL AID APPLICATION

Mount Saint Mary College requires all applicants for financial aid to complete the FAFSA. Applicants should complete the form online at [studentaid.gov](http://studentaid.gov). When completing the application, students must list Mount Saint Mary College, Newburgh, NY, 12550, as a recipient.

Our Title IV school code number is 002778.

Please note: All applicants are considered for all aid available, depending upon need, including federal, state, and institutional funds on a first-come, first-served basis, once they are admitted to the College. First-year students are advised to file the required forms no later than February 15 of the year enrollment is anticipated. Returning students are encouraged to file the FAFSA or Renewal FAFSA no later than April 15.

### VERIFICATION - POLICY AND PROCEDURAL STATEMENT

Federal verification guidelines require that applicants are selected for verification by the Central Processing System (CPS) or by the school. At the Mount, federal verification is performed on all applicants selected by the CPS and any application that the College has reason to believe is incorrect or has conflicting information. Under certain circumstances, a CPS selected application may be excluded from some or all of the federal verification requirements due to the following unusual circumstances including: death of the student, not an aid recipient, applicant is eligible to receive only unsubsidized student financial assistance. With the exception of the death of the student, however, none of these exemptions excuse the College from the requirement to resolve conflicting information.

Federal verification must typically be completed prior to receiving a financial aid award for returning students. Incoming freshmen must complete verification before any federal funds are disbursed/applied to their student account. Students

who fail to comply with verification requirements, including submitting documentation within required timelines, will not have Federal Title IV funds disbursed and may have Federal Title IV funds canceled. MSMC considers the student to be the responsible party for providing information and completing the verification process. Students who fail to comply with verification requirements, including submitting documentation within required timelines, will not have Federal Title IV funds disbursed and may have Federal Title IV funds canceled. MSMC considers the student to be the responsible party for providing information and completing the verification process.

To complete the verification process, acceptable documentation will include Student Verification Worksheet, IRS Tax Transcripts or IRS DRT, and W-2's. To resolve discrepancies in reported information, students may be required to complete and submit additional information including IRS Tax Returns, schedules, or other documentation. Verification results that require changes to the applicant information and subsequent changes to the student's financial aid package will be made prior to final disbursement of Federal funds.

For all students eligible for subsidized Title IV aid, the College will make appropriate changes to the student information electronically through the Department of Education's CPS to ensure each student has a correct valid Institutional Student Information Record (ISIR)". The student will be notified of this adjustment through a revised financial aid award letter. If the verification results do not justify aid already disbursed, the student is responsible for repaying all aid for which s/he is not eligible. Failure to meet the repayment obligation will result in the student being referred by MSMC to the U.S. Department of Education.

Verification results that reveal possible fraud or criminal misconduct in connection with the financial aid application or verification processes will result in the matter being referred by MSMC to the Office of the Inspector General of the U.S. Department of Education for investigation.

#### Federal Verification Selection Compliance

The Mount completes verification for all aid applicants selected for verification by the CPS. The Mount also has the option to select additional applicants for verification including those it has reason to believe are inaccurate or have conflicting information.

Questions regarding this policy or its intent should be directed to the Financial Aid Office at (845) - 569-3700.

The Federal Tax Transcript can be ordered at [www.irs.gov](http://www.irs.gov) or by calling 1-800-908-9946.

#### RESPONSIBILITIES OF STUDENTS WHO RECEIVE FINANCIAL AID

Since financial need is considered when the amount of a student's award is determined, it is the responsibility of the applicant to report promptly to the Financial Aid Office any awards made available to him/her from sources other than the College. This includes scholarships, state incentives, veteran's benefits, grants, etc. The financial aid "package" previously awarded will be reviewed and will require adjustments if the student's financial need is exceeded.

Students must maintain Federal Financial Aid satisfactory academic progress or SAP, to continue to be eligible for federal, state and MSMC funding. Financial Aid SAP is different from Mount Saint Mary College's Academic Standards Policy. A complete explanation of Financial Aid SAP can be found on our website at: [msmc.edu/admissions-aid/financial-aid-scholarships/resources-forms/policies/](http://msmc.edu/admissions-aid/financial-aid-scholarships/resources-forms/policies/)

We encourage you to check the website for the latest information as Financial Aid Policy changes in response to new Federal and State regulations.

Financial aid payments will not be made until the add-drop period is completed. At that time, and on a rolling basis thereafter, aid will be credited to student accounts. Refunds are disbursed to the student when financial aid exceeds the charges.

#### INSTITUTIONAL AWARDS

##### Scholarship Criteria

MSMC scholarships are awarded to first-time freshmen, are competitive, are limited in number, and may be applied to undergraduate tuition only. Consideration for these awards is based on high school GPA. To be considered for one of these awards, a student must be accepted for full-time enrollment in the traditional undergraduate program at Mount Saint Mary College. Scholarships must be awarded prior to the first day of classes; no changes will be made to

scholarships after this point. Students who are not filing a FAFSA must email [sfs@msmc.edu](mailto:sfs@msmc.edu) to notify our office of this intention so that we can waive the FAFSA and apply your institutional funds. Mount Saint Mary College does not award athletic grants of any kind.

At no time are students permitted to receive any institutional funding (grants or scholarships) while benefiting from a discounted rate towards tuition. This applies to any and all programs offered at Mount Saint Mary College.

MSMC Dominican Heritage, Achievement, Dean's, Founders, Distinguished Scholar, and Presidential Scholarships:

These scholarships are academic awards ranging from \$14,000 to \$22,000 per academic year. Scholarships are renewable for three years provided the student remains a full-time student, has registered for a minimum of 12 traditional credits each semester, maintains a 2.0 cumulative Grade Point Average, and remains in good social standing. Students enrolled in 5-year programs at MSMC may carry over their academic scholarship for their 5th year. GPA will be checked for the 2.0 threshold after four academic semesters, as well as the end of each spring semester thereafter.

### **MSMC Need-Based Grants**

MSMC Grants are awarded on a competitive basis and may reflect academic excellence, as well as demonstrated financial need. The level of grant assistance depends on the quality of the student's academic record, the amount of financial need, the availability of funds, and full-time traditional enrollment. Amounts vary based on need and may be renewed so long as the student continues to demonstrate financial need and remains in good academic standing. The MSMC Grant requires a 2.0 GPA and FAFSA filing for renewal.

### **Donor Scholarships**

Mount Saint Mary College offers a number of private scholarships on an annual cycle. Recipients must apply using the link on the portal, and are generally selected on the basis of academic achievement, major, financial need, and/or place of residence. In order for a student to be considered for a donor scholarship that has a financial need component, you must have a valid FAFSA on file.

### **OTHER PROGRAMS**

World Trade Center Memorial Scholarship – The NYS World Trade Center Memorial Scholarship program guarantees access to a college education to the families and financial dependents of the victims who died or were severely and permanently disabled in the Sept. 11, 2001 terrorist attacks and the resulting rescue and recovery efforts. [hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/nys-world-trade-center-memorial-scholarship.html](http://hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/nys-world-trade-center-memorial-scholarship.html).

Please also see Families of Freedom at [www.familiesoffreedom.org](http://www.familiesoffreedom.org) (Families of Freedom is not a NYS scholarship program).

Memorial Scholarship – The NYS Memorial Scholarship provides financial aid grant assistance to “children, spouses and financial dependents of deceased firefighters, volunteer firefighters, police officers, peace officers, and emergency medical service workers who have died as the result of injuries sustained in the line of duty in service to the State of New York. [hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/nys-memorial-scholarship.html](http://hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/nys-memorial-scholarship.html).

Military Service Recognition Scholarship – The Military Service Recognition Scholarship (MSRS) provides financial aid to children, spouses and financial dependents of members of the armed forces of the United States or state organized militia who, at any time on or after Aug. 2, 1990, while New York State residents, died or became severely and permanently disabled while engaged in hostilities or training for hostilities. [hesc.ny.gov/pay-for-college/military-corner.html](http://hesc.ny.gov/pay-for-college/military-corner.html)

NYS Scholarships for Academic Excellence – Awarded to NYS residents from registered NYS high schools. Awards are based on test scores on certain Regents exams. Please see your local high school guidance office for more information [hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/nys-scholarship-for-academic-excellence.html](http://hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/nys-scholarship-for-academic-excellence.html)

NYS Math & Science Teaching Incentive Scholarships – Awarded to students who are pursuing a career as secondary

math and science teachers. There is a service commitment of five years full time employment associated with this scholarship. [hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/nys-math-and-science-teaching-incentive-scholarship.html](http://hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/nys-math-and-science-teaching-incentive-scholarship.html)

Senator Patricia K. McGee Nursing Faculty Scholarship – Awarded to students who are registered professional nurses and are enrolled in a graduate nursing program. There is a service commitment to teach at least 12 credit hours as nursing faculty or as adjunct clinical faculty for four years after graduation. [hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/senator-patricia-k-mcgee-nursing-faculty-scholarship-program.html](http://hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/senator-patricia-k-mcgee-nursing-faculty-scholarship-program.html)

Student Aid to Native Americans – for full-time study in an approved program leading to a degree. Contact the Native American Education Unit, New York State Education Department, Room 471 EBA, Albany, NY 12234. [hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/nys-aid-to-native-americans.html](http://hesc.ny.gov/pay-for-college/financial-aid/types-of-financial-aid/nys-grants-scholarships-awards/nys-aid-to-native-americans.html)

## NEW YORK STATE PROGRAMS

The programs listed below are administered by the New York Higher Education Services Corporation (HESC):

### Tuition Assistance Program (TAP)

Students who are New York state residents and graduates of high schools in New York State may apply for TAP by completing the state's NYS Aid application. A link to this application can be found on the end page of your FAFSA or by logging in directly to the New York State (NYS) website [HESC.ny.gov](http://HESC.ny.gov). You can find the school by searching Mount St. Mary College on the application, and we are designated by code as 2110 as well. HESC will determine each student's eligibility and notify them via email of their status and award amount. The NYS Aid application will pull information for the first school you listed on your FAFSA application as well. If this school is not the one you will be attending be sure to make that change on the NYS application when completing it as only one school can be listed at a time.

The TAP program was established by the NYS Legislature and is an entitlement program, which means that if an applicant meets the criteria, they will receive an award at an approved institution within NYS. The minimum award amount has been as low as \$500 and the maximum amount of this award at a private institution has been as high as \$5,165 but depends upon the appropriation in the NYS budget approved by the legislature.

Program: Baccalaureate Program

Calendar: Semester 2010-11 and thereafter (non-remedial students)

#### BEFORE BEING CERTIFIED FOR THIS PAYMENT

First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	6	15	27	39	51	66	81	96	111
WITH AT LEAST THIS GPA	0	1.5	1.8	1.8	2	2	2	2	2	2

After four semesters of payments, the award is reduced by \$100. Students are limited to four years of eligibility and must be matriculated as a full-time student in an approved postsecondary program. Students enrolled in approved five-year programs, or in a state-sponsored opportunity program, or who are disabled may receive five years of awards for undergraduate study.

Although the Financial Aid Office provides an estimate of eligibility, all income data are subject to verification by the New York State Department of Taxation and Finance and HESC. Awards may be changed by the state based upon the result of this process. Actual payment of TAP arrives later in the semester after the College certifies student eligibility.

If a student repeats a course in which a passing grade has already been received, the course cannot be included as part of the student's minimum full-time or part-time course load for financial aid purposes. When such courses are included in meeting the minimum requirement, they render the student ineligible for TAP. In the following instances, repeated courses may count toward full-time or part-time study:

- when a failed course is repeated;
- when a grade received is passing at MSMC but not acceptable in a particular curriculum;
- when a course is repeated and credit earned each time.

### **THE ARTHUR O. EVE HIGHER EDUCATION OPPORTUNITY PROGRAM (HEOP)**

The principal mission of HEOP at Mount Saint Mary College is to provide educational opportunity and support to traditionally underserved students. These students have strong academic and personal potential, but would otherwise be excluded from higher education due to circumstances of academic and economic disadvantage. MSMC HEOP emphasizes academic achievement, leadership, development, and service. Students must meet the income eligibility guidelines established by the Board of Regents and are admitted without regard to age, gender, creed, sexual orientation, race, disability or any other characteristic protected by law.

To be determined eligible for HEOP, applicants must apply and provide the appropriate documents to the HEOP Office at the Mount. Please note that requirements for HEOP are slightly different from the traditional requirements of MSMC (please visit our website for details). In addition, the HEOP admission deadline is typically earlier than the traditional admission deadline at MSMC. Once selected and admitted, HEOP participants may continue in the program until degree completion, (maximum of 10 academic semesters) with awards available for various periods depending on the duration of their academic program.

All HEOP students must file the FAFSA to be considered for aid from HEOP as well as from other state and federally funded programs. The amount of financial aid and other support provided depends upon a student's financial need. Recipients must meet requirements for academic progress determined by the College. Each recipient must also apply for TAP and follow through with the appropriate paperwork each year in order for funds to be disbursed. TAP is limited to five years of eligibility for HEOP students. All students must achieve a 2.0 Grade Point Average by the end of their sophomore year to continue to receive TAP awards. Please visit the MSMC HEOP website for more details. [msmc.edu/admissions-aid/undergraduate-admissions/heop/](http://msmc.edu/admissions-aid/undergraduate-admissions/heop/)

### **AID FOR PART-TIME STUDY (APTS)**

Applicants who are enrolled for at least 6 credits but fewer than 12 credits each semester may apply for this state, campus-based grant program through the Financial Aid Office. The maximum award is \$2,000 per academic year. The number and amount of each award is determined by MSMC, based upon its annual allocation which varies. To retain the award, a student must maintain satisfactory academic progress in addition to filing an application each year and meeting the eligibility criteria. Applications are available in the Financial Aid Office and must be returned along with copies of parent and student New York state tax returns.

### **VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES**

Persons with disabilities may obtain a list of local ACCESS-VR Offices from: New York State Education Department, Albany, NY 12234. ACCESS-VR policy has established a maximum payment toward tuition and room and board for a client in any one academic year.

### **FEDERAL PROGRAMS**

To be considered for all the following federal programs, which were established by Congress and are governed by federal rules and regulations, students must complete and file the FAFSA discussed at the beginning of this section. Students will receive a Student Aid Report as a result, which will indicate an EFC (Estimated Family Contribution). This number is used in determining financial need for federal programs. Students must maintain satisfactory academic progress and complete the appropriate forms each year for awards to be renewed.

### **PELL GRANT**

A federal grant awarded to students with significant financial need, as measured by a congressionally established needs-analysis formula that measures a family's ability to pay for educational expenses. In 2013-2014: Congress passed legislation that places limits on the number of semesters a student can receive Federal Pell Awards. This limit is 12 semesters.

If a student is close to or at their lifetime Pell limit, our office will notify the student via email. Students will also be

notified by the U.S. Department of Education when they file their FAFSA that they are at or close to their lifetime limit.  
**SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS (SEOG)**

SEOG is a federal grant that is awarded by the institution to students with exceptional financial need, with Federal Pell Grant recipients given first priority. Students who complete the FAFSA and have exceptional financial need are automatically considered for this grant. The number of awards is based on funding.

**TEACHER EDUCATION ASSISTANCE FOR COLLEGE AND HIGHER EDUCATION  
(TEACH GRANT PROGRAM)**

The federal TEACH grant program provides grant funds to students who are completing or plan to complete coursework toward a career in teaching. You must agree to serve for at least four out of eight years after graduation in a high-need field, and work in certain school districts. For more information, please see the following website:  
[studentaid.gov/understand-aid/types/grants/teach](http://studentaid.gov/understand-aid/types/grants/teach)

**WORK STUDY PROGRAM (FWS)**

This program provides employment opportunities on and off campus to students who demonstrate financial need. In the event that more students are eligible for FWS than there are funds available, preference is given to students who have exceptional financial need. The Financial Aid Office is responsible for selecting recipients and determining award amounts. Jobs are not guaranteed. Students are responsible for obtaining their own jobs by convincing supervisors that they possess the skills required to complete the work. Renewal depends upon continued financial need as well as a positive evaluation of the student's performance on the job.

**DIRECT STUDENT LOANS**

The Federal Direct Student loan programs are legislatively established and the subsidized loan program is a need-based loan. Subsidized and unsubsidized loans are available to students enrolled at least half-time in a degree program.

**DIRECT PARENT LOANS FOR UNDERGRADUATE STUDENTS (PLUS)**

A borrower must be the parent of a financially dependent undergraduate. Parents may apply for the cost of attendance at the College less any financial aid for which the student may be eligible. [studentaid.gov/understand-aid/types/loans/plus/parent](http://studentaid.gov/understand-aid/types/loans/plus/parent)

**BUREAU OF INDIAN AFFAIRS AID TO NATIVE AMERICANS**

The U.S. Department of the Interior administers the Higher Education Assistance Program and the Adult Vocational Training Program available to various tribes for post-secondary education and training. Application forms may be obtained from and submitted to the Bureau of Indian Affairs, Federal Building, Room 523, 100 South Clinton Street, Syracuse, NY 13260. An application is necessary for each year of study. Deadlines for the fall and spring semesters are July 1 and October 15 respectively. Applicants must demonstrate financial need and must file a FAFSA indicating Mount Saint Mary College as a recipient. Depending upon availability of funds, grants may also be made to graduate students and summer session students. [benefits.gov/benefit/796](http://benefits.gov/benefit/796)

**RESERVE OFFICER TRAINING PROGRAMS (ROTC)**

The U.S. Reserve Officer Training Corps (ROTC) Programs include the Army ROTC Program, the Navy/Marine Corps (NROTC) Programs, and the Air Force (AFROTC) Programs. These programs are offered at host colleges throughout the nation, including many colleges located in New York State. Each of the three programs has separate application procedures, eligibility requirements, award schedules, and service obligations. All the programs offer financial assistance to undergraduates, with some assistance for study beyond the baccalaureate degree. Additional information about the individual programs and a list of the colleges hosting them can be obtained from each service's recruiting station.

[todaysmilitary.com/education-training/rotc-programs?gclid=Cj0KCQjA\\_P6dBhD1ARIsAAGI7HCjrDFJAlw\\_pikV\\_NI\\_puf7aa5ORS4V6Gg9lJic-fWlWpLAeULsbhAaAvm6EALw\\_wcB&gclid=aw.ds](http://todaysmilitary.com/education-training/rotc-programs?gclid=Cj0KCQjA_P6dBhD1ARIsAAGI7HCjrDFJAlw_pikV_NI_puf7aa5ORS4V6Gg9lJic-fWlWpLAeULsbhAaAvm6EALw_wcB&gclid=aw.ds)

**3+2 AND 3 + 4 ARTICULATION AGREEMENTS**

In regards to financial aid processing for our current articulation agreements with Pace University, Alake Erie College of Osteopathic Medicine (LECOM), New York College of Podiatric Medicine (NYCPM), Touro College of Osteopathic Medicine (TCOP), Touro College of Pharmacy (TOP) and all other such future agreements, a MSMC student is only eligible to receive Federal, State and Institutional funding in years 1-3 (maximum of 6 semesters) since they are paying MSMC tuition, fees and if applicable, room and board charges.

In years 4 and beyond, since they are not remitting payment to Mount Saint Mary College, rather to the other institution, a student is not entitled to receive aid processed through MSMC and may not transfer any institutional, Federal or State funds to the other school.

#### **VETERANS RESOURCES**

Detailed information on all veterans' benefits and assistance in applying for benefits can be obtained from offices of the Veterans Administration. [benefits.va.gov/gibill](https://benefits.va.gov/gibill)

New York has Veterans Administration Regional Offices in Buffalo and New York City.

# INFORMATION TECHNOLOGY RESOURCES

## Introduction

Mount Saint Mary College has extensive Information Technology (IT) resources available for use by students and faculty. These resources are intended to serve all aspects of the academic process, from enhancing classroom presentations to the completion of papers, web pages, and multimedia instructional materials. Available resources include: computer laboratories; production facilities for digital video, desktop publishing, and multimedia; and division laboratories located throughout the campus. Instructional media presentation and acquisition equipment is available for loan to both students and faculty. This includes digital still and digital video cameras.

Information Technology has staff dedicated to providing training and support for IT resources. All IT offices and related support and loan services are located in Aquinas Hall, including the IT Help Desk, Technology Training, and Instructional Media offices.

## Discounted Notebook PCs for Students

The Mount has collaborated with Lenovo and other vendors to provide discounted pricing on Notebook PCs and accessories for the College community. Computers purchased through this program are eligible to receive support and service on campus at the IT help desk. Contact the IT Help Desk for more information.

## Who Can Use IT Services and Resources?

Information Technology services and resources are available to all registered students, faculty, and staff. Students who wish to use computer facilities and online resources require an Academic Network user account and may be asked to present a valid MSMC ID card. All students registered in a credit course can activate their Academic Network accounts by visiting [portal.msmc.edu](http://portal.msmc.edu) or clicking the “manage your student account” link on any academic computer login screen.

Instructional Media equipment loans require a valid MSMC ID card to be eligible to borrow equipment and may require instructor approval and/or enrollment in appropriate courses. To borrow Instructional Media equipment, an Instructional Media Reservation Form must be completed, including acceptance of a financial responsibility agreement. For complete policy, facilities and equipment information and forms, visit [portal.msmc.edu](http://portal.msmc.edu).

## Information Technology Help Desk and Instructional Media

The Help Desk provides first level support on a campus wide basis for all academic and administrative computer software/hardware services, network services, and instructional media technology.

For students this includes:

- Resolving problems with account access or passwords, network access, email, the Learning Management System, and general Internet access.
- Reserving use dates, arranging training sessions, or solving problems related to instructional media equipment including loan equipment and Smart Classrooms.
- Support for the Student Wireless Network.
- Support and service for Lenovo notebooks.

Contact Information for IT Help Desk, Smart Classrooms Support/Training, Instructional Media Support/Training, and Equipment Reservations

*Location: Aquinas Hall Room 13; Telephone: 845-569-3491; Email: [it.support@msmc.edu](mailto:it.support@msmc.edu)*

The Help Desk is staffed by support professionals throughout the calendar year and varies as the support for academic requirements dictate. For current hours of operation, please visit [msmc.edu/it](http://msmc.edu/it). For after-hours support needs, please call the Help Desk at 845-569-3491 or email us at [it.support@msmc.edu](mailto:it.support@msmc.edu).

Please provide contact information and a detailed description of the problem you are experiencing. Our technicians will

respond to your problem right away by creating a support ticket that can be monitored and used as a means of communication.

To provide increasing levels of support, students are strongly encouraged to report any problems they may experience with college computer equipment, smart classrooms, or networks to the IT Help Desk.

### **COMPUTER RESOURCES**

An extensive selection of software is installed on computers throughout campus. The most significant computing resource for students can be found in the Kaplan Family Library & Learning Center, located on the first two floors of Dominican Center. The full schedule of library hours, including after-hours access to the computers and study areas in the south wing of Kaplan Library, can be found at [www.msmc.edu/library](http://www.msmc.edu/library).

**INSTRUCTIONAL MEDIA TECHNOLOGY:** Smart Classrooms

All Mount Saint Mary College's classrooms are Smart Classrooms, which incorporate LCD projectors, push button controls, instructor computers, DVD's, and stereo sound systems for high quality presentation capabilities. Smart Classrooms can be used by both faculty and students. Training and support for Smart Classroom use is available from the IT Help Desk. Training is required prior to first time use.

**NETWORK/ONLINE RESOURCES AND SOFTWARE**

Mount Saint Mary College provides faculty and students with a network user id and password which provides access to the MSMC Portal, email, individual network storage (H: drive), and computer/printing facilities. Students can access their Mount Saint Mary College email from on campus or via the Internet at [portal.msmc.edu](http://portal.msmc.edu). Go to the "Gmail" tab.

### **Network User Accounts**

Please note that use of all MSMC computer and network facilities, except certain Instructional Media loan computers and community access computers in the Library, require a valid network user ID and password. Additionally, a valid MSMC ID card is required to retrieve printouts from all Academic Network printers and gain access to computing facilities.

Student network accounts can be activated and passwords reset or changed by visiting [portal.msmc.edu](http://portal.msmc.edu) or clicking the "activate me" button on any academic computer login screen. Student accounts are automatically disabled in accordance with attendance policies detailed in the Email Usage Policy found within the Information Technology Policy located on the MSMC portal under the resource tab. Students are encouraged to back-up any files stored on the H: drive or within their Google drive space on a regular basis to ensure against data loss.

#### **My.MSMC User Accounts Appropriate Use Policy**

Each My.MSMC user account includes an email address and network directory. Individual network directories are provided for the storage of documents, data files, graphics, etc., associated with College assignments or activities. Individual network directories have a 250 MB storage capacity restriction— exceeding the capacity limit may result in data loss. Students are encouraged to back-up any files stored on the H: drive or within their Google Drive space on a regular basis to ensure against data loss.

Establishing a practice of regularly backing up all work will prevent or minimize problems with losing work because of computer related malfunctions or accidental erasure.

Students must abide by the College's Acceptable Use Policy, found within the Information Technology Policy located on the MSMC portal under the resource tab. Each student must use his/her own user account to access online resources. Students should never give their ID and password to anyone and should never use another student's account. While each individual user account is generally secure, there is NO GUARANTEE OF PRIVACY. Students found to be in violation of the College's Acceptable Use Policy will be subject to disciplinary action which may include suspension of their accounts and separation from the College. Disciplinary action will be conducted in accordance with College policy and the Student Judicial Code.

Students are not allowed and should NOT attempt to install software into their network directories. For class specific use, some instructors may grant special permission for temporary software installations.

Account suspension may result for the following reasons: Notice of copyright violation resulting from the unauthorized or unlicensed downloading of copyrighted video or music, commercial, or business use (not part of college sponsored

class or internship), installation of software, installing or activating server software or network sharing software or services, or any other violation of the Acceptable Use Policy.

### **Wireless Academic Network**

Mount Saint Mary College also has a wireless network that provides access to the College's online resources and the Internet from most areas of the campus, including the residence halls, classrooms, the library, and even outdoors! The wireless network utilizes the fastest, most reliable high-speed wireless technology available today, operating at speeds comparable to traditional wired networks utilizing 802.11A/N wireless protocols. All current 802.11x wireless cards should have no problem accessing the campus wireless system. In order to activate wireless network equipment, students must activate their network account and accept the terms of the Wireless Academic Network Appropriate Use Policy available at [portal.msmc.edu](http://portal.msmc.edu).

All computers connecting to the wireless network are required to have all current operating system and application software security patches applied, as well as current anti-virus software installed with up-to date virus patches. The College scans all computers upon registration and periodically during the year to ensure that we are protecting all network patrons. Devices found lacking appropriate virus protection and/or operating system security updates may be disconnected from the network without prior warning.

Violators of the Acceptable Use Policy will be subject to disciplinary action, which may include suspension of their wireless accounts. Disciplinary action will be conducted in accordance with College policy and the Student Judicial Code. Account suspension may result for the following reasons: Notice of copyright violation resulting from the unauthorized or unlicensed downloading of copyright video or music, installation of software that cause problems with the network, installing or activating server software or network sharing software, failure to use up-to-date virus and spyware prevention software and/or maintaining up-to-date operating system updates and security patches, commercial or business use (not part of college-sponsored class or internship).

### **Unsupported Wireless Devices**

Mount Saint Mary College has an extensive, robust wireless network. We support a large array of wireless devices on our network, including Laptops, Smart Phones, Tablets, and other smart devices. While we do support a large number of devices, there are a few devices listed below that are unsupported and will not work on our network.

**Google Chromecast** — The Google Chromecast was designed to work in a small home network environment, not on large Infrastructure networks. The network protocols that Google requires for the Chromecast to work are not typically supported by large networks as they cause a severe negative impact on network performance. However, Roku (including the Roku stick) and the Apple TV are some alternative media streaming devices that are supported on our network.

**Wireless Printers** — Any printer a student brings on campus must be connected to their device via USB. Wireless printers are designed to be used in a small, flat network. A wireless printer will broadcast its signal and act as a hotspot, which will interfere with our Infrastructure and cause poor wireless network performance for all of the student's in the local, surrounding area.

### **Music and Video Copyright Violations**

Copyright violations or illegal downloading of music and videos is vigorously pursued by the Recording Industry Association of America, Inc. (RIAA) and the Motion Picture Association of America (MPAA). In the event Mount Saint Mary College is notified of copyright violations, the offending computer will be removed from the network without prior warning. Additionally, Information Technology will conduct an official investigation to identify the offending computer and solicit cooperation from its owner to remove the copyrighted materials. If the copyrighted materials are not removed, the computer will not be allowed to rejoin the Mount Saint Mary College network and the information may be passed back to the reporting agency for legal action. If the copyright materials are removed, then the computer will be allowed to rejoin the network and a resolution notification registered with the reporting agency. Our goal is to protect our network patrons and your cooperation in such matters will be greatly appreciated.

Pursuant to DMCA 512 (also commonly referred to as the DMCA takedown provisions), the College must suspend offending accounts and conduct an investigation of any student identified by an industry watchdog group (RIAA, MPAA or others) as a potential violator. MSMC Acceptable Use Policies specifically require that MSMC network resources must be used in a way which does not violate local, state, federal, or international law. Disciplinary action, if appropriate, will

be conducted in accordance with policy and the Student Judicial Code. For more information please visit [portal.msmc.edu](http://portal.msmc.edu)

The College strongly encourages students to make use of software and services that provide legal downloading of software, music, and videos.

# ACADEMIC AFFAIRS

## Academic Information

### Basic Rights and Responsibilities

Students as members of the college community shall have certain rights. These rights shall include the freedom to pursue educational goals, the freedom of expression and inquiry, the right to privacy and confidentiality of records, and the right to due process as established in the Student Judicial Code.

Students also have certain responsibilities, as members of the college community, on and off college property:

- The responsibility for respecting and complying with college rules and regulations.
- The responsibility for respecting and complying with local, state, and federal law.
- The responsibility for acting in a manner that promotes an atmosphere of learning, free expression, and respect for the rights, dignity, and worth of individuals.

### Campus Expression

Discussions and expressions of varied opinions and views are encouraged within the College, subject to requirements for the maintenance of order and provided college operation is not disrupted.

### REGISTRAR

The Office of the Registrar is responsible for the following services:

1. Maintaining the integrity of Mount Saint Mary College academic records by adhering to all college, state, and federal policies and procedures.
2. Establishing registration procedures and editing all academic calendars and schedules of classes.
3. Maintaining student authorization for release of education information using the FERPA Release form available in the office and on the student portal.
4. Evaluating and recording of transfer credits on a student's academic record. The Student Information System will reflect the transfer courses accepted. Advisors have access to this system.
5. Coordinating the evaluation of nontraditional credit programs.
6. Processing independent study and internship forms, incomplete request forms, registration forms, drop-add forms, pass-fail registrations, FERPA verification, and all request forms to study outside MSMC. All forms are available in the Registrar's Office and on the student portal.
7. Maintaining academic progress reports for each student through the Student Information System. All Midterm and Final Grades are available via the Student Information System.
8. Issuing official student transcripts at a student's written request. Cost is \$5 each. An unofficial copy of a student's transcript can be found on the [my.msmc.edu](http://my.msmc.edu) (student portal page) and will be provided upon written request at no charge to currently enrolled students.

### THE LIBRARY

**The Kaplan Family Library and Learning Center** is the hub of information and research at Mount Saint Mary College. Located on the first two floors of the Dominican Center, the library plays an integral role in the academic experience of every student.

The beautifully designed library space, which opened in January 2014, offers a wide variety of seating and workspace options where students can work together or individually on all aspects of their projects and assignments. In addition to designated quiet study areas in the stacks, the library offers space for discussion and collaborative work. There are also

six study/presentation rooms equipped with the latest in presentation and collaboration technology, where students can practice presentations, work on group projects, or study in solitude. These rooms can be reserved in advance or used on a drop-in basis. Room reservations are made through the library website.

Library faculty and staff offer students expert assistance with research and information technology. Librarians teach information literacy skills through the First Year Experience program, course-integrated instruction, individual assistance at the Information Desk and virtually through chat, and in-depth, one-on-one research consultations tailored to a student's specific needs.

The library collection includes close to 60,000 books, almost 5,000 videos/DVD's, and 33,000 streaming video titles. In addition, the library web page (<http://www.msmc.edu/library>) provides access to 105 online research databases, 5,300 e-books, and approximately 78,000 full-text journals, newspapers, and magazines. The site also guides students through the research process and helps them prepare bibliographies, evaluate information sources, and avoid plagiarism. The library web page serves as a portal to many library services, including the online library catalog, electronic reserves, online interlibrary loan requests, research assistance via email and online study room reservations.

The Kaplan Family Library and Learning Center supports student learning by providing a technology-rich learning environment, as well as traditional research resources and services, within a comfortable space specifically tailored to the needs of today's students. There are more than 70 internet workstations located throughout the library, as well as three high-volume, high-speed printers.

The **Curriculum Materials Center (CMC)** is located on the first floor of the library. It provides print, electronic, and media resources to support the curriculum and instructional activities of the MSMC education program. The emphasis of the CMC is on practical materials that can be used for curriculum planning, lesson preparation and teaching, and pupil assessment. The collection of over 9,000 items includes books for children and young adults, K-12 textbooks, educational games, models, mathematics and science manipulatives, assessment tools, and New York State curriculum guides. Computer workstations in the CMC permit students to do research as well as use specialized educational software.

Kaplan Library is open until 10:00p.m. five nights/week when classes are in session and until 12:00 midnight during exam periods. The south wing of the library (including the computer lab, study rooms, café seating, and other seating areas) is open to all students 24 hours a day during the regular spring and fall semesters. The complete schedule of hours can be found on the library web page. The library can also be reached by phone at 845-569-3600.

A valid MSMC ID card is required to borrow books and other items. Since the library is a shared resource for the entire campus, borrowed materials are expected to be returned on time. Borrowing periods are generous, to allow plenty of time for use, and overdue fines are NOT collected on most items. However, should any library materials not be returned after multiple reminders, the item will be considered lost and a registration hold will be placed on the borrower's account. As soon as the item is returned or a replacement charge is paid, the hold will be lifted. Overdue items that were obtained from other institutions through interlibrary will accrue overdue fines, in accordance with the lending library's policy. Fines will also be charged on overdue items borrowed from course reserves. Theft of or damage to library materials may result in disciplinary action. Students are expected to comply with all library policies in order to retain library borrowing privileges.

## **THE WRITING CENTER**

The Writing Center offers free, one-on-one tutoring and writing-related guidance to all Mount students in any stage of the writing process. Students can schedule a 45-minute appointment with one of the Writing Center's specially trained tutors in order to discuss their writing and writing assignments. During a writing consultation, students will work with a Writing Center tutor to discuss any concerns about their writing, read through their draft (or discuss strategies for getting started if there is no draft), and identify strategies for improvement that they can apply to all their future writing assignments.

Students can make an appointment at the Writing Center by visiting the Writing Center site on the my.msmc.edu portal, which also houses lots of writing resources. Students are also encouraged to follow the Writing Center on Instagram for ongoing writing tips and updates.

In addition to providing free writing help through our writing consultations, the Writing Center strives to be the home for writing on campus. The center sponsors on-campus events, celebrates good writing, and collaborates with all

members of the campus community (students, faculty, and staff) to make Mount Saint Mary College a place where writing is a part of our shared culture.

The Writing Center is located on the first floor of the Dominican Center (suite 118) and can be reached by phone: 845-569-3413 and email: [writing.center@msmc.edu](mailto:writing.center@msmc.edu)

### **ARTHUR O. EVE HIGHER EDUCATION OPPORTUNITY PROGRAM (HEOP)**

The core mission of the Arthur O. Eve Higher Education Opportunity Program (HEOP) at MSMC is to provide educational opportunity and support to students with strong academic and personal potential who might otherwise be excluded from higher education due to academic and economic disadvantage. To be eligible for HEOP, students must first meet the income guidelines established by the NY State Board of Regents.

HEOP students receive a broad range of innovative services, including academic, personal, and career counseling, individual and small group tutoring, leadership training, and student development workshops. All students are required to enroll in an intensive and comprehensive Pre-Freshman Summer Program. This experience is designed to assist in the transition to campus life, both academically and socially. HEOP students are expected to live on campus during the Summer Program unless the student is above the traditional age and/or is married or has dependents. HEOP is jointly sponsored by the College and the New York State Higher Education Opportunity Program. Students are admitted without regard to age, sex, sexual orientation, race, disability, creed or other characteristic protected by law.

### **COLLEGIATE SCIENCE AND TECHNOLOGY ENTRY PROGRAM (CSTEP)**

CSTEP's mission is to increase the number of students from under- represented groups who are pursuing careers in mathematics, science, technology, health-related fields or a licensed profession.

Here are some of the ways CSTEP can help you:

- Academic and Career Advising - CSTEP provides students with intensive academic and career counseling services to better assist with choosing classes and setting career goals
- Funding Opportunities to Attend State and National Professional Conferences - Students will have the opportunity to attend conferences that will give students exposure to a variety of academic, research and career-related workshops
- Educational Workshops - Students will have the opportunity to participate in an array of activities to further cultivate their interest in the STEM fields
- Assist in Graduate/Professional School Application Process - CSTEP offers student one- on-one graduate/professional counseling through the application process
- Internship and Research Opportunities - This provides an opportunity for students to gain career and research experience in their chosen field of study

#### **CSTEP Qualifications**

In order to be admitted to CSTEP, students must:

- be a New York State Resident
- be from an under-represented background (Black, Hispanic, or American Indian/Native Alaskan) OR meet NYS income guidelines
- be pursuing a CSTEP major or a career in a CSTEP profession
- have earned a 2.50 or better cumulative grade point average. First year students can be admitted provisionally until GPA is established

### **FIRST-YEAR EXPERIENCE PROGRAM**

The First-Year Experience (FYE) Program welcomes first-year students and fosters success as they transition into the Mount Saint Mary College community. In the service of establishing a foundation for academic success in the first semester, the FYE engages students in

- community-based learning;
- our Dominican heritage;

- service and service learning;
- principles of diversity, equity, and inclusion;
- holistic wellbeing and safety; and
- self-reflection around personal and career development.

All of this prepares first-year students to become active members in the Mount’s community of learners.

The hallmark of the Mount’s FYE Program is the Learning Community (LC). Every incoming student will be enrolled in two linked first-year courses with a cohort of their peers. Learning Communities are designed to fulfill general education and/or major requirements while providing opportunities to make connections between their courses and the community and to receive tailored information literacy and academic skills instruction. Each LC is composed of up to 20 students, a personal librarian, an academic coach, and two faculty course instructors.

LC also engages in two hands-on, outside-of-class activities, and participates in six First-Year Connections workshops (FYE-L100-00-L), designed to foster students’ holistic development and support their transition to college.

Students entering the traditional program will be required to participate in FYE during their first semester of matriculation. Students entering in the spring semester will be required to enroll in FYE in the subsequent fall semester and should consult with their academic coach and the FYE Director to enroll. Exceptions may be made at the discretion of the Assistant Vice President of Academic Affairs (AVPAA).

## **Academic Honesty**

### **I. College Position**

The mission of Mount Saint Mary College is concerned with “...the development of sound values, goals, and commitments on the part of the students. Equipping students to play responsible roles in society has been a consistent aim of our institution.” Instances of academic dishonesty subvert the mission of the College and the experience students derive from it. These instances harm the offender as well as students who maintain academic honesty. The Mount community, therefore, commits itself to do all in its power to prevent such dishonesty and imposes impartial sanctions upon those who harm themselves, their fellow students, and the College in this way.

### **II. Definitions**

*Generally, academic dishonesty may be defined in the following ways:*

1. **Cheating**—using or attempting to use, giving or attempting to give, unauthorized materials, information assistance or study aids in any academic exercise or evaluation (tests), unless the nature of the academic exercise legitimizes cooperative learning.
2. **Plagiarism**—copying or imitating the language, ideas or thoughts of another person, and passing off the same as one’s original work;
3. **Falsification**—forgery, alteration or misuse of academic documents, records or forms.

### **III. Prevention of Academic Dishonesty**

Both students and faculty members should be alert to academic dishonesty and should work diligently to eliminate situations that foster academic dishonesty. Students have an obligation to make their abhorrence of it known to their peers. Faculty members have an obligation to create a classroom atmosphere that encourages careful proctoring of examinations and monitoring of papers. Other professional staff should encourage honesty in a manner dictated by the nature of their interactions with students.

### **Process for Addressing Academic Dishonesty**

In any allegation of academic dishonesty, every effort will be made to ensure due process. Due process is defined as a course of formal proceedings carried out regularly and in accordance with established rules and principles. Thus, in the unfortunate event of an alleged breach of academic honesty, the student so charged will be insured due process as

follows:

- a. Immediately, if possible, but not later than two school days, after the alleged incident or the awareness of academic dishonesty, the instructor presents to the student the specific charge with supporting evidence. This charge, if given orally and/or in writing, should include to the extent possible, the nature of alleged academic dishonesty (cheating, plagiarism, falsification); the date, time, description of the incident; and the action that was taken by the instructor at the time of the incident.
- b. The instructor meets with the student and permits the student to respond to the charge with facts and mitigating circumstances relating to the alleged incident of academic dishonesty. If, after hearing the student's response, the instructor concludes that the student is culpable of the allegation, the instructor has the authority to impose a sanction on the student. (See Section h, Sanctions, of this policy.) The nature of the sanction is communicated to the student, the Vice President for Academic Affairs, and the chair of the division.
- c. Appeal of the instructor's decision: Within three school days, after the student has been notified of the instructor's decision, the student may appeal in writing to the chair of the division to which the faculty member belongs. The division chair will initiate the development of an Appeals Committee. The Appeals Committee will consist of three teaching faculty members who, in the opinion of the division chair, are competent to evaluate the appeal. The division chair will be one of the three members and appoint the other two unless that person is the faculty member who charged the student with academic dishonesty.
- d. The Appeals Committee will designate one of its members to serve as chair of the committee. The Appeals Committee has the authority to hear the case, to rule on procedure for the hearing, to impose or alter sanctions on the student and to communicate the findings of the committee to the student and to the faculty member and the Vice President for Academic Affairs. The case must be decided by a majority vote within 48 hours of conclusion of the hearing by the Appeals Committee.
- e. A student who has been penalized for academic dishonesty and who believes that they have not been accorded the rights stated in this policy may seek an appeal of the Committee's decision from the Vice President for Academic Affairs. If in the judgment of the Vice President for Academic Affairs, an appeal hearing is warranted, the VPAA will convene an administrative Appeals Board. This Board will consist of the VPAA, the chair of the Faculty Senate, and the Vice President for Students. Such an appeal must be made in writing within 14 school days after the student has been notified of the Appeals Committee decision. Failure by the student to appeal the decision of the Appeals Committee on a timely basis shall constitute a waiver of the student's right to appeal. The appeal must be based on one or more of the following grounds: (The student was not accorded due process as described in this policy. The student has new evidence that was not available or was unknown at the time of the Appeals Committee hearing. The administrative Appeals Board will review and make the final disposition of the case. The decision of this Appeals Board will be final and binding.
- f. **Conduct of appeals hearing:** Both the student and the faculty member must be present at each appeals hearing, i.e., Appeals Committee and administrative Appeals Board. Both the student and the faculty member may have counsel at each appeals hearing. Persons providing counsel may advise students and faculty, and may be present during, but not participate in, the hearings. Both the student and the faculty member may present his/her case, and hear and question all witnesses during an appeal hearing.
- g. The student will receive a written report of the findings and the decision at each level of the appeal process. Copies of this written report will be given to the faculty member, the Vice President for Academic Affairs, and the Office of the Registrar.
- h. **Sanctions:** In cases where culpability is established, the student is to be accorded the opportunity to enter mitigating circumstances through the student's own testimony and that of any witnesses the student produces. Such testimony may be made during the meeting with the faculty member and during an appeal hearing. In cases where culpability is established, the following sanctions will be imposed:
  1. For an initial transgression, and where culpability is established, the student will face sanctions up to and including failure for the course. In addition, a memo detailing the infraction must be forwarded by the instructor to the Registrar to be placed in the student's file.
  2. If the Registrar determines that this is the second infraction on the part of a student with fewer than 30

credits, the case will be referred to the VPAA before any action is taken.

3. If the Registrar determines that this is a second infraction on the part of a student with more than 30 credits, the penalty is immediate failure of the course. The Registrar will inform the student and the instructor of the failing grade in the course.
4. A third infraction will result in academic dismissal from the College.

## **Sanctions**

In cases where culpability is established, the student is to be accorded the opportunity to enter mitigating circumstances through the student's own testimony and that of any witnesses the student produces. Such testimony may be made during the meeting with the faculty member and during an appeal hearing. Sanctions will vary according to the nature of the academic dishonesty, or according to the validity of the mitigating circumstances. In cases where culpability is established, students may be subject to such penalties as:

- a failing grade on a given academic exercise;
- a failing grade in a given course;
- academic dismissal from a course or program of studies;
- academic dismissal from the College.

## **Attendance**

Course attendance requirements are determined by individual instructors. If a student misses' classes, he or she must discuss these absences with their respective faculty members. The offices of Health Services, Student Affairs, and Athletics are not authorized to excuse students from classes. If a student knows in advance that they will be absent from a class, then the student must inform the instructor as soon as possible. Students may contact the Office of Student Affairs and either the Vice President for Students and/or designee will inform the instructors and the Office of the Registrar. Students who miss classes remain responsible for work assignments and material covered in their absence. Students who withdraw from the College must inform the Office of the Registrar before departure. Consecutive absences will be reported to the Vice President for Students and/or designee by the instructor at mid-term and at term end.

## **Classroom Conduct**

Students and faculty both have responsibilities for maintaining an appropriate learning environment based on mutual respect, in which academic freedom is protected. Students have the right to learn without interference. Faculty members have the authority to protect this right by creating and maintaining an environment that is conducive to learning. Students should conduct and express themselves in a way that is respectful to all individuals. This includes respecting the rights of others to comment and participate fully in class.

Classroom disruption is defined as any behavior that a reasonable person would view as being likely to substantially or repeatedly interfere with the conduct of a class.

**Examples of classroom disruption include, but are not limited to, the following:**

- Engaging in behavior that disrupts or interferes with the learning environment. Such behavior includes but is not limited to: talking in class while the faculty member or other students are speaking, using offensive language, creating distractions or disturbances, sleeping, reading unrelated materials, and moving about the classroom.
- Using cell phones or other electronic devices that disrupt the learning process or teaching environment. Students with approved accommodations through the Office of Disability Services have the right to receive and utilize appropriate accommodations, which may include behavior or the use of technology otherwise restricted.

Students engaged in disruptive classroom behavior are subject to classroom penalties and/or student code of conduct sanctions. Withdrawal from a course does not exempt a student from any pending charges of classroom misconduct.

### **When a faculty member experiences a classroom disruption, the following steps are taken:**

- Warning – an oral explanation by the faculty of the violation and possible consequences if misconduct continues;
- Dismissal from the remaining class time during which the infraction occurs, with a required meeting with the faculty member and/or department chair before returning to class;
- Should the misconduct continue after the above steps have been taken, or if the misconduct is egregious, threatening, or repeated, the Director of Student Conduct or his/her designee may impose an interim suspension pending investigation.

When a student is asked to leave a classroom for disruptive behavior, it will be the student's responsibility to make up missed work.

### **Virtual Classroom Conduct**

All students play a significant role in our campus responsibility to maintain learning environments free from harassment and discrimination. Because the virtual learning environment poses a unique set of challenges and vulnerabilities, each student is invited to set expectations for each other regarding conduct in the virtual classroom. Students are prohibited from any conduct in the virtual classroom, meeting, advisement, or other college-sponsored online environment as described below and are subject to the student disciplinary process:

1. Any unauthorized and disorderly conduct in a virtual classroom is prohibited. Online video conferencing disruptions, typically referred to as "Zoombombing," is the practice of uninvited and unauthorized individuals entering a video call causing disruption, often with offensive language, hate/bias laden speech, and/or sharing pornographic and or hate or bias-based images or commentary. Disruptive acts including "zoombombing" and/or engaging in sex or gender-based harassment of any kind such as conducting, facilitating, or participating in "zoombombing" directly or with another student or non-student is prohibited. Students are expected to safeguard their passwords and Zoom and/or other video conferencing invitations from unauthorized users to help do their part to avoid intrusions.

2. Violations of privacy while online are prohibited. Expectations of privacy apply in the virtual classroom. In remote teaching, advising, chatting, and other engagement in course activities there is a reasonable expectation that photographing, screen capture, or other copying methods or recordings will not occur without express permission from all participants. Mount Saint Mary College prohibits recording classroom chat, content, discussion, and material without the consent of all recorded parties and prohibits taking photographs where there is a reasonable expectation of privacy.

### **Academic Standing**

#### **Academic Warning**

Students will be issued an **Academic Warning** when the semester GPA falls below 2.0 for one semester. Students on Academic Warning will be limited to no more than 13 credits in the semester that follows, and until the warning is removed. All first semester freshmen placed on Academic Warning will be required to take an academic skills course that would be a pass/fail no-credit course; a student remains on Academic Warning until they complete this course. Any time a student's cumulative GPA is under 2.0, the student will be on Academic Warning.

#### **Academic Probation**

Students will be placed on **Academic Probation** when the semester GPA falls below 2.0 for two (2) consecutive semesters.

Students placed on **Academic Probation** will be required to:

1. Meet with an academic advisor to develop an improvement plan.
2. Submit to the Academic Standards Committee and the Office of Academic Affairs a letter (signed by both the student and the student's academic advisor) detailing the student's academic difficulties and the improvement strategy.
3. Register for no more than 13 credits.
4. Earn a minimum semester GPA of 2.0 **EACH** semester until the student's *cumulative* GPA is at or above 2.0. Until the cumulative GPA is above 2.0, the student is considered to be on **Academic Probation**, with the understanding that if the student's cumulative GPA is below 2.0 for two semesters after the probationary semester, the student will receive an **Academic Dismissal**.
5. Athletes who are on **Academic Probation** are not allowed to compete.
6. Students on **Academic Probation** are strongly urged to consult with the College's Financial Aid office regarding any potential impact probationary status may have on financial aid eligibility.

### **Academic Dismissal**

1. Students whose semester GPA falls below 2.0 for three (3) consecutive semesters will receive an **Academic Dismissal** from the College.
2. Students whose cumulative GPA remains below a 2.0 within two semesters after a probationary semester will receive an **Academic Dismissal** from the College.
3. Any student returning from an **Academic Dismissal** (e.g., as the result of a successful appeal leading to reinstatement) who receives a returning semester GPA less than 2.0 will receive a **FINAL Academic Dismissal that cannot be appealed**.

The following applies to students who are **Academically Dismissed** from Mount Saint Mary College:

1. Dismissed students will receive notification of dismissal from the Registrar shortly after semester grades are recorded and the Academic Standards Committee meets to review academic progress (typically in late December or early January, and again in late May or early June).
2. Dismissed students will be required to complete at least 12 credits of academic coursework at another regionally accredited two- or four-year institution with at least a 2.5 GPA prior to consideration for readmission to Mount Saint Mary College. It is strongly suggested that dismissed students consult with an academic advisor prior to taking courses at another institution to make sure courses are appropriate for the student's program of study and will transfer back, should the student be readmitted.
3. Dismissed students may appeal to the Office of the Vice President for Academic Affairs for readmission to the College for a semester that is at least one full year since their dismissal. Dismissed students should keep in mind that an absence of more than one full academic year constitutes a break in matriculation and would require reapplication for admission to the College. Prior enrollment at Mount Saint Mary College is not a guarantee of readmission to Mount Saint Mary College after an Academic Dismissal.
4. A second dismissal from Mount Saint Mary College is considered a FINAL dismissal and cannot be appealed under any circumstances. Students dismissed twice are ineligible for readmission to the College under any circumstances.
5. Students who are academically dismissed and are subsequently reinstated at a later date will be required to meet all requirements in force at the time of readmission. Students academically dismissed from the College are also dismissed from their major. If readmitted, they must re-declare their major and must meet the requirements for that major in effect at the time of readmission.

## POLICIES ON GRADES/RECORDS

### Grading

The quantitative measure of a student's scholastic standing is the Grade Point Average (GPA) or the weighted average of the student's academic standing as measured by the reported grades and weighted according to credit and letter value.

The college uses the following grading system (quality points are indicated under the grade or to the right):

A	A-	B+	B	B-	C+	C	C-	D+	D
4.0	3.67	3.33	3.0	2.67	2.33	2.0	1.67	1.33	1.0

P - Passing 0.0

F - Failure 0.0

I - Incomplete (absent from final exam and/or incomplete required course work) 0.0

S - Exempted, course requirement has been substituted, no credit 0.0

W - Withdrawal during the period from the second week of class through the last day to withdraw without academic penalty. See Academic Calendar for submission date. 0.0

AW - Administrative Withdrawal – for a student who fails to attend class by the third (3rd) week of classes. See Academic Calendar for submission date. 0.0

Nursing students must attain at least a grade of C+ in required nursing and health courses. Education students must attain at least a GPA of 2.75 (undergraduate) and 3.00 (graduate) in required certification courses.

For class ranking purposes, when there is a tie in cumulative Grade Point Averages, with two or more students, the number of credits successfully taken at Mount Saint Mary College will be the tie-breaker; the student(s) with more institutional credits will be ranked higher.

### Pass/Fail Policy

Any sophomore, junior, or senior in good academic standing, with a GPA of 2.2 or higher, may take advantage of the P/F grading system.

1. Students may request a P/F only in elective courses counting toward the total 120 credits. Students may not request a P/F for any major, minor, concentration or certification courses.
2. A student may not request a P/F grade in a prerequisite course that requires a letter grade for the next course if using the course as a prerequisite.
3. Students must submit the Pass/Fail form with the Registrar's Office before the end of the add/drop period their intent to take a course pass/fail. Only the student and the Registrar will know of the election for the Pass/Fail for the selected course. At the end of the semester, the Registrar will change the letter grade received from the instructor to Pass (for A, B, C, or D) or Fail (F).
4. Although P/F courses earn credits when the grade is "P," a final letter grade of "P" does not count toward a student's GPA; a final letter grade of "F" does count toward the student's GPA. Please note that taking a course pass/fail may disqualify a student from the Dean's List. Students are eligible for Dean's List only if they have 12 graded credits.

5. Students may convert a letter grade course to P/F only twice during their college career at the Mount. This rule also applies toward permission credits taken at another institution.

## **Incomplete Grade Policy**

The Incomplete (I) grade is used only when a student has met the class attendance requirements of a course and must postpone, for reasons beyond his/her control (individual or family health or emergency problems), the completion of certain papers, reports, or other assignments. Student failure to complete course requirements in a timely manner during the semester does **NOT** justify the instructor awarding an Incomplete grade. The request for an incomplete grade **must be initiated by the student**. The student must obtain the proper request form from the Registrar and submit a written request to the instructor. After reviewing the student's record, the instructor will determine the validity of the request and approve or deny the Incomplete grade. If the document is signed and approved, the instructor will forward the completed form to the Registrar's Office when submitting the course Grade Report.

At the time the Incomplete grade is requested, the student and the faculty member must agree on a date by which the course work must be completed. Incomplete grades must be resolved by the fifth week of the following academic semester. If the grade is not changed by the date on the request form, the "I" grade will be changed to an "F" grade. Any extensions needed for students with incomplete grades must go through Academic Standards.

If the student is not awarded an Incomplete and the student believes the required conditions have been met, a written appeal may be presented to the division chair responsible for the course. The division chair will evaluate the case and inform the student, the instructor, and the Registrar of the decision. If the division chair is the instructor, the VPAA will appoint a senior faculty member within the division to hear the student's appeal. The decision is final with no further appeal.

## **Repeating A Course**

If a student voluntarily repeats a course, the better of the two grades will be used for the purpose of calculating the GPA and for meeting degree requirements. If the student withdraws from the course during the withdrawal period, the student will retain the first entered grade, which will be used in all calculations. The student's record will show that the course was repeated and the final grades for each time will be shown. Consult the Tuition Assistance Program in the Financial Aid section of this catalog for financial aid regulations regarding repeating a course.

## **Evaluation**

In evaluating the learning experiences provided by a semester of study, instructors may choose a variety of procedures; among these may be written or oral examinations, projects, practicums or theses. The course requirements and methods of evaluation are stated in writing and distributed by the instructor at the beginning of the semester.

## **Grade Appeal**

A student who believes that the grade he/she has received in any subject is in error should initiate the procedure outlined below. If the student is dissatisfied with the response at any step, he/she should proceed to the next specified step within two weeks following the issuance of the unfavorable response.

Step 1: The student should discuss the case with the instructor before the third week of the next regular semester following the one in which he/she received the grade. The instructor will issue his/her response in writing to the student.

Step 2: If not satisfied with the instructor's response, the student should submit a written appeal to the instructor giving a rationale for the grade change and providing supporting information. The instructor will issue his/her response in writing to the student.

Step 3: If not satisfied with the instructor's response, the student should submit the written appeal and supporting evidence to the chair of the division offering the course in question. If the division chair is the instructor, the VPAA will

appoint 3 teaching faculty within the division to hear the student's appeal. The decision is final with no further appeal.

The hearing of the appeal will proceed as follows:

- A. The division chair will form an Appeals Committee. The Appeals Committee will consist of three teaching faculty members who, in the opinion of the division chair, are competent to evaluate the appeal and the subject matter of the course.
- B. The committee will designate one of its members to serve as the chair. The chair will monitor the hearings, rule on procedure, and communicate the findings of the committee to the student and college officials. The division chair will be one of the three members, unless that person is the instructor against whom the grievance has been brought. Both the student and the faculty member must be present at the presentation of the appeal to the committee.
- C. In a case where the faculty member against whom the grievance is made cannot be contacted due to change in employment, death, etc., the vice president for academic affairs will be empowered to take the place of the faculty member and will change the course grade if the Appeals Committee decides in favor of the student. Both the student and the faculty member may have counsel at the hearing. The case must be decided by a majority vote within the semester during which the appeal is initiated. The decisions of the Appeals Committee are final and binding. They will be communicated to the student in writing by the chair of the Appeals Committee with copies sent to the faculty member, the VPAA, and the Registrar.

## **HONORS AND AWARDS**

### **RALPH, AQUINAS, AND BOYLE SCHOLARS**

Ralph and Aquinas Scholars are selected by faculty to encourage scholarly activity and acknowledge academic achievement. Candidates must be full-time students who show involvement in the college community and demonstrate academic excellence. The title Aquinas Scholar is given to juniors and seniors; the Ralph Scholar designation to sophomores. A Boyle Scholar is an adult student in their senior year who has completed 24 credits at the Mount and attained a minimum GPA of 3.60.

### **Honors Program**

The Honors Program at Mount Saint Mary College offers high-achieving students the opportunity to work with their peers to enhance their educational experience. Admission into the program is by invitation from the Director of the Honors Program. Freshmen qualify on the basis of exemplary high school records, a composite score on college proficiency exams and SATs (or ACTs) that indicate the student's ability to meet the rigors and challenges of honors-level course work.

Students seeking to participate in the program after the fall term of the freshman year, as well as transfers students, qualify for consideration based on the following criteria: they have attained a GPA of 3.4 after a minimum of 12 credits taken at the Mount and they are recommended by a faculty member.

### **Oversight**

The Honors Program is overseen by the Director of the Honors Program, the Faculty Honors Council, and the Assistant Vice President for Academic Affairs. This Faculty Honors Council includes faculty from each division, as well as a student representative. This student representative must be one of the elected members of the Student Honors Council, a student-led organization that is the voice of Honors students on campus.

At the end of every semester, a program review is conducted by the Director of the Honors Program, in consultation with the Faculty Honors Council, to determine the status of every Honors student in the Honors Program, and a letter is sent to the Honors student informing him or her of their program status.

Should a student in the Honors Program need to appeal to the Academic Standards Committee, an appeal must first be made to the Faculty Honors Council. These appeals should derive from extenuating circumstances. Examples of an

appeal that are internal to the Honors Program include issues that impact the standing of the student in the Honors Program, e.g. a probation extension to a third semester. Examples of an appeal beyond the Honors Program, which must be appealed to the Academic Standards Committee instead, include those that impact the completion of Honors credits, e.g. the inability to complete Honors Research after the requisite deadlines for the AW deadline and/or the submission of grades have past.

#### HONORS APPEALS PROCESS

1. Students must communicate or meet with the Director of the Honors Program.
2. Should the Director deem the appeal warranted student must submit a letter to the Faculty Honors Council detailing the issue and posing a possible solution. Supplemental information may be provided.
3. Students will receive a decision within 7 business days of receipt of the letter of appeal.
4. Depending on the type of student appeal, and pending the decision of the Faculty Honors Council, a letter of support from the Director of the Honors Program on behalf of the Faculty Honors Council, can be submitted with the letter of appeal to the Academic Standards Committee, as appropriate.

#### Types of Honors Courses

There are three types of Honors courses through which a student can earn Honors credit. First, HON designated courses are designed specifically for the Honors Program, and the entire class is assumed to be in the Honors Program. These courses are usually Honors versions of courses that fulfill requirements in the General Education curriculum (e.g. Introduction to Psychology, World Religions, etc.).

Second, Honors-by-Contract courses are those made through individual contracts between a faculty member and an Honors student in courses for which there is not an Honors section. Each contract must be developed by the student and faculty member and submitted for approval to the Associate VPAA before the Drop/Add date of the semester in which the course is taken.

Third, a student may register for an Honors Tutorial, which is associated with regularly-scheduled course, and which combines the advantages of dedicated Honors sections with the Honors-by-contract model. If offered during the term, students register a traditional version of the course and a separate zero-credit section of Honors Tutorial. In addition to meeting with the regular class, Honors students meet, as a group, with the instructor for at least an additional 10 hours over the course of the semester. In this type of course the Honors students benefit from the collective learning of a classroom in courses for which there are insufficient students to warrant a dedicated Honors section. (A minimum of three Honors students is required for this option.)

#### Honors Credit

A student must complete a minimum of 18 Honors credits to complete the Honors Program. These credits include an Honors Interdisciplinary Seminar (3 Honors credits) and Honors Research (3 Honors credits), both of which would work best when taken during the junior or senior year.

The **Honors Interdisciplinary Seminar** is a three-credit course typically taught by a professor in collaboration with multiple professors from different divisions/schools and/or across different academic disciplines. (See additional information above.)

**Honors Research** is a three-credit independent research project that an Honors student completes and presents. The student chooses a research topic and selects a faculty mentor to work with on the research for a semester (or two if the student chooses to extend the research). Upon completion, the student must present their research at an Honors Research Symposium or its equivalent.

#### A Suggested Timeline

To maintain their status in the Honors Program, students will need to demonstrate that they are making “satisfactory progress” towards earning the 18 credits necessary for graduation from the Honors Program. This progress will be demonstrated not only through maintenance of a 3.4 GPA, but also through completion of Honors courses according to

the schedule below:

Credits Earned	Required Honors Credits Earned
30	6
60	9
90	12
120	18

Note that the credit expectations outlined above are the minimums required to maintain status as a student in the Honors Program; earning more credits in the first, second, and third years can reduce the requirement in the senior year.

### Grade Point Average Requirements

Along with satisfactory academic progress, there is a required GPA minimum of 3.40 to remain in the Honors Program. If a student's GPA falls below 3.40 at the end of a given semester, that student may be placed on Honors Probation, or may be dismissed from the Honors Program. The table below outlines the GPA requirements.

Credits	Good Standing	Probation	Dismissal
0-30	GPA $\geq$ 3.40	3.40>GPA $\geq$ 3.00	GPA<3.00
31-60	GPA $\geq$ 3.40	3.40>GPA $\geq$ 3.10	GPA<3.10
61+	GPA $\geq$ 3.40	3.40>GPA $\geq$ 3.20	GPA<3.20

A student on Honors Probation has up to two semesters to bring his or her GPA to a 3.40. A student who falls below the GPA mark for dismissal, as shown in the table, will be dismissed from the program. As a result, it is possible that a student could take 18 credits of Honors course work and still not complete the Honors Program if that student's GPA is less than 3.40 by the time of graduation. Readmission to the program will be up to the discretion of the Faculty Honors Council. Appeals may be made within the semester of notification of dismissal or probationary status.

The Honors Program's academic agenda is complemented and reinforced by cultural and social activities. While designed for traditional undergraduate students, the program is open to non-traditional students. The Honors Program provides students with the opportunity to interact with faculty and other Honors students in courses and in social and cultural activities. Other benefits during the student's college career include early registration, Honors housing, and cultural trips as well as social activities planned throughout the year. Also, seniors in the Honors Program, who have satisfactorily completed their Honors requirements, are acknowledged at an Honors Program Reception prior to graduation. Successful completion of the Honors Program is indicated on the student's official academic transcript.

### Honor Societies

**Alpha Chi** is a national college honor scholarship society for full-time juniors and seniors of all disciplines. The purpose of the organization is to promote and recognize academic excellence and exemplary character. Among requirements for admission is that a student must rank in the highest 10% of the class. The New York State Kappa Chapter of Alpha Chi was established at Mount Saint Mary College in 1981.

**Alpha Sigma Lambda** is the honor society for adult students in continuing higher education. The Gamma Iota Chapter was established at Mount Saint Mary College in 1982. Alpha Sigma Lambda is dedicated to the advancement of scholarship and leadership, and recognizes the high scholastic achievement of the adult learner in light of the competing interests of home and work on the academic life of the non-traditional student. The Chapter's members are selected from the highest 20% of adult students who have met eligibility criteria, including a minimum GPA of 3.2.

**Beta Beta Beta** is the national biological honor society; it was established at Mount Saint Mary College in 1975. Active membership in the Lambda Theta chapter is open to biology majors who have completed the first semester of their sophomore year and attained a Grade Point Average of 3.0 or better in all courses in biology; active membership is considered to be evidence of superior scholastic and professional achievement. Associate membership is open to all

students interested in the life sciences. The society strives to stimulate scholarship, promote biological research and disseminate scientific knowledge.

**Chi Alpha Sigma** all junior and senior student-athletes who have a minimum cumulative grade point average of 3.4 or above, on a 4.0 scale, and have lettered in his/her sport. The student-athlete must have achieved at least junior academic standing by the fifth full-time semester or seventh quarter as determined by your college or university.

**Chi Rho Iota** The Chi Rho Iota (CRI) Criminology Honor Society seeks to develop a community of young scholars dedicated to enhancing their understanding of the causes, prevention, control, treatment, and responses to crime and delinquency. The Society also strives to link the service mission of the College to help its members become more well-rounded and effective academicians and practitioners in the many areas of Criminology.

**Delta Mu Delta** is an international honor society, which was established in 1913 to recognize academic excellence in both undergraduate and graduate business and accounting programs. The Epsilon Iota Chapter was established at Mount Saint Mary College in 1989. Induction in Delta Mu Delta brings lifetime membership and the highest international recognition that a business student can earn. Undergraduate students with a GPA of 3.25 or higher (3.6 or higher for graduate students) who are also within the top 20% of their class and have completed one-half of their required course work for their degree with at least 24 of those credits taken at the Mount are eligible to apply.

**Gamma Sigma Epsilon** is a national honor society in chemistry. The Kappa Epsilon chapter was established at Mount Saint Mary College in 1999. The purpose of the society is to recognize outstanding academic achievement in chemistry and to increase interest, scholarship and research in the discipline. Students who have completed a minimum of 16 credits in chemistry with a minimum Grade Point Average of 3.0, and a 3.00 GPA in chemistry courses, are eligible for membership.

**Kappa Delta Pi** is the International Honor Society in Education. The Sigma Tau Chapter was established at Mount Saint Mary College in 1992. Kappa Delta Pi promotes excellence in, and recognizes outstanding contributions to, education. The society endeavors to maintain a high degree of professional fellowship among its members, quicken professional growth and honor achievement in educational work. Active membership is open to upper-class and graduate students who have completed the appropriate number of credits with the required scholastic average. Membership is open to Mount alumni and faculty.

**Kappa Mu Epsilon** is the honor society in mathematics. The Pi Chapter was founded at Mount Saint Mary College in 2007 to promote interest in mathematics among undergraduate students. Chapters are located in colleges and universities of recognized standing that offer a strong mathematics major. The chapters' members are selected from students of mathematics and other closely related fields who have maintained standards of scholarship, have professional merit, and have attained academic distinction.

**Lambda Pi Eta** is the communication arts honor society of the National Communication Association. The Phi Pi Chapter was established at Mount Saint Mary College in 2007. Eligibility for membership is open to students in communications majors who have completed a minimum of 12 credits in the major while maintaining a GPA of 3.0 and GPA in the major of 3.25. Phi Pi recognizes scholarship in communication studies; promotes and encourages professional development; provides for opportunities to discuss ideas in the fields of communication; and provides opportunities to be of service to the community.

**Phi Alpha Theta** is the International Honor Society of History. It was established at Mount Saint Mary College in 1993. Phi Alpha Theta is a professional society whose purpose is to promote the study of history through the encouragement of research, good teaching, publication, and the exchange of learning and ideas among historians. All students who have completed the required number of history courses and are maintaining high standards in their college studies are eligible.

**Psi Chi** is the National Honor Society in Psychology, founded in 1929 for the purpose of encouraging, stimulating, and maintaining excellence in scholarship, and advancing the science of psychology. Membership is open to graduate and undergraduate men and women who are making the study of psychology one of their major interests, and who meet the minimum qualifications. Psi Chi was established at Mount Saint Mary College in 1994.

**Sigma Delta Pi** the National Collegiate Hispanic Honor Society, is a non-profit organization incorporated in the State of South Carolina, a member of the Association of College Honor Societies and partners with the American Association of Teachers of Spanish and Portuguese, Estudio Internacional Sampere, the Instituto Universitario de Investigación en Estudios Norteamericanos Benjamin Franklin, the Universidad Veritas, the International Association of Hispanists, and the North American Academy of the Spanish Language. The honor society was founded at the University of California, Berkeley in 1919.

**Sigma Tau Delta** is the International Honor Society for English studies. The Alpha Mu Upsilon Chapter of Sigma Tau Delta was established at Mount Saint Mary College in 2005 with the mission to confer distinction upon full-time students of English language and literature and to promote a community of scholars dedicated to learning and to service. Eligibility is limited to students who have earned a GPA of 3.0 and a 3.25 GPA as an English major or minor. Members of Sigma Tau Delta have the opportunity not only to be recognized for their outstanding achievements but also to be enriched in their education and helped in their careers.

**Sigma Theta Tau** is the International Honor Society of Nursing. The Mu Epsilon Chapter was chartered in 1989. The purpose of Mu Epsilon is to recognize superior achievement and leadership, to foster high professional standards, to encourage creative work, and to strengthen commitment to the ideals and purposes of the nursing profession. Eligibility in Mu Epsilon is determined by several criteria including grade point average, leadership qualities, scholarship and contributions to the nursing profession. Membership in Mu Epsilon is by invitation to upper-class nursing students, faculty and community leaders in nursing.

**Tau Upsilon Alpha** is the national Honor Society for Human Services. The Alpha Omicron chapter was established at Mount Saint Mary College in 2012. It's mission is to honor academic excellence, to foster lifelong learning, leadership and development, and to promote excellence in service to humanity.

**Upsilon Pi Epsilon** is the honor society for a student who is a candidate for an undergraduate degree in Information Technology, Cybersecurity, or Game Programming, and must have completed at least forty-five semester hours for undergraduate credit, including 15 MSMC semester hours in courses toward the major. Further, the student must have a major grade point average (GPA) of at least 3.4.

## STUDENT AFFAIRS AWARDS

Each year scholarships and awards are presented to students during individual awards ceremonies. These awards honor achievements in a number of areas of academic and student life. Student Affairs Awards, given to graduating seniors, include:

The **Thomas J. Conlon Memorial Award** is given for leadership in student government.

The **Father Michael J. Gillece Memorial Award** is given to a student of high moral character, who exemplifies Judeo-Christian values in his/her daily life and who has worked unselfishly on behalf of the development of the human potential of MSMC students while maintaining an acceptable standard of academic performance.

The **Mount Saint Mary College Award** is given to the student who represents the spirit of the Mount and who has manifested a spirit of cooperation, leadership, and loyal service while maintaining an acceptable standard of academic performance.

The **Senior Award for Service and Involvement in Their Communities** is given to students who have dedicated time to community volunteer projects.

The **Senior Award for Outstanding Leadership** within the College Community is given to students who have served the College throughout their time at the Mount.

The **Senior Award for Outstanding Service** is given to a student for devotion of time and energy to his/her class.

## **DIGITAL AND ONLINE LEARNING**

Mount Saint Mary College promotes the application of digital learning technologies in hundreds of courses offered to undergraduate and graduate students every year, from enhancing traditional classroom instruction to enabling the delivery of teaching online in lieu of on campus class meetings. The College views digital learning as an extremely valuable format to supplement classroom learning and to strengthen learner engagement and collaboration in all MSMC academic programs. A variety of technologies is used for digital learning, including our advanced learning management system eClass. In addition to the learning management system, faculty often explore and integrate emerging technology applications and multimedia into their courses.

### **ENROLLING IN ONLINE COURSES**

Students enrolled in the undergraduate traditional program who have earned 24 or more credits may enroll in hybrid and fully online courses. Transfer students will have the 24-credit policy waived.

### **ECLASS, MSMC'S LEARNING MANAGEMENT SYSTEM**

Mount Saint Mary College utilizes the learning management system Moodle™ to facilitate digital and online coursework. Internally, the College refers to the learning management system as “eClass.”

eClass may be used in any course at Mount Saint Mary College (e.g. traditional, hybrid, fully online). In other words, its use is not exclusive to online courses. Instructors may use eClass in a range of ways, from providing important course documents, to hosting an interactive learning experience in which course activities and assignments are delivered and completed. This may include assignment drop boxes, discussion forums, quizzes, and much more. The range and ways in which eClass may be used to enhance instruction is further defined in each course syllabus.

#### **eClass Access**

eClass is accessible via the College Portal (<http://portal.msmc.edu/>) or directly at <http://eclass2.msmc.edu/>. Students will use the same Mount Account username and password to access the learning management system as they do other College platforms.

By default, eClass courses are automatically hidden from students. It is under the discretion of the instructor to make their eClass courses visible/accessible to students. Particularly for fully online and hybrid courses, it is recommended that instructors make their eClass courses visible to the extent that students can access important information such as the course syllabus, course calendar, etc. within 1 (one) week of the course start date. If an eClass course does not appear by the course start date, the student should immediately contact their instructor for more information. Other administrative offices/staff cannot make courses visible for students.

At the end of a term, eClass courses are placed in an archive, where they remain for a period of four (4) years. Once in archive, eClass courses are no longer accessible to students. It is highly recommended that students save all work submitted digitally (online) to their personal computer or external hard drive. In the event that a student needs access to a course that has concluded on eClass to retrieve past works, the student should speak directly to the instructor to determine need and arrange access. Other administrative offices/staff cannot “re-open” an eClass course for a student.

## **Support for eClass**

Throughout the duration of a online or hybrid-course, students are encouraged to maintain consistent contact with their instructor(s). Should any issue (instructional or technical) arise, students should notify their instructor first. If further action or support is required, the instructor may contact the appropriate office on your behalf, or refer you to the appropriate office for support.

## **MODES OF ONLINE INSTRUCTION**

Mount Saint Mary College may define online instruction in the following ways:

### **Hybrid Courses ("HYB")**

Hybrid courses refer to a model of course design that combines traditional classroom learning with online or out-of-class coursework activities. At MSMC, a hybrid course is defined as a course where a portion, but not all of, traditional face-to-face class time is replaced with online or out-of-class coursework that is planned and scheduled on a regularly occurring basis.

The balance of in-person vs. online components of a hybrid course is set by the instructor through the Syllabus and Course Calendar. Like a traditional course, students will see on their schedules a building and room number with the required meeting times. Any online components (activities, assignments, and resources) will be offered through eClass, the College's learning management system and/or virtually through Zoom. Students may still be required to obtain additional course materials (e.g. textbook, subscription, etc.). Additional expectations for online and in-person participation will be further outlined in the Syllabus.

### **Fully Online Courses ("OL")**

A fully online course is a type of course offering in which all class contact is delivered in an online environment. At MSMC, fully online "OL" courses are delivered asynchronously. Fully online courses do not preclude any face-to-face meetings for activities such as orientation, special in-class presentations, exams, or other in-class proofs of competency and identity.

Fully online courses will be offered through eClass, the college's learning management system. Instructors will provide recorded lectures, readings, videos, or other materials for review. Students will be asked to participate regularly in discussion boards, writing projects and/or online group work with their classmates according to the Syllabus and Course Calendar. Students may still be required to obtain additional course materials (e.g. textbook, subscription, etc.). Additional expectations for online participation will be further outlined in the Syllabus.

## **REQUIRED ORIENTATION FOR STUDENTS LEARNING ONLINE**

Students who enroll in an online course for the first time are required to complete the Online Learning Student Orientation Tutorial (OLSOT).

- Students are expected to complete the tutorial before beginning online coursework.

- Upon enrollment into an online course, students will see a hold appear on their student account, as well as in the Alerts section of their MSMC Portal. This notification will provide instructions for accessing the tutorial.
- The orientation takes approximately one (1) hour to complete and is delivered asynchronously on eClass, the College's learning management system. In other words, students do not need to attend an in-person training and can complete the tutorial at their own pace and time.
- The tutorial is interactive and includes five (5) modules of learning content and a 15-question assessment. A passing score of 11/15 questions correct (73%) is required to lift the hold; as such, the assessment can be taken as many times as necessary.
- Once it is completed successfully, students will not be required to take the tutorial if enrolled in online courses in the future.

## ATTENDANCE AND PARTICIPATION IN ONLINE & HYBRID COURSES

Attendance is critical to an institution appropriately using federal aid funds. Taking attendance allows the institution to make clear determinations of when a student last attended class, which then has implications to the use of federal funds and what federal funds must be returned. Per the [Federal Student Aid Handbook](#), institutions are... "expected to have a procedure in place for routinely monitoring attendance records." This includes measuring attendance in courses that occur online. In addition, the Federal Student Aid Handbook is clear that simply documenting that a student has logged into an online class is not sufficient, by itself, to demonstrate academic attendance by the student.

In accordance with these expectations, Mount Saint Mary College finds the following to be acceptable indications of attendance in an online course:

- Student submission of an academic assignment
- Student submission of an exam
- Documented student participation in an interactive tutorial or computer-assisted instruction
- A posting by the student showing the student's participation in an online study group that is assigned by the institution
- A posting by the student in a discussion forum showing the student's participation in an online discussion about academic matters
- An email from the student or other documentation showing that the student initiated contact with a faculty member to ask a question about an academic subject studied in the course

*In other words, a student must be required to do more than just "log in" to be documented as having attended an online course.*

tNote: Non-attendance may affect Financial Aid. If a student fails to meet the attendance requirements, he or she may be recommended for withdrawal from the course. *Legal Reference: Education Code Sections 70901 and 84500. Title 5 Section 58004 (c) (1) – (3), 55204, and Involuntary Drop after Census Date CCCCC Legal Opinion 11-04*

### Active Participation in Online and Hybrid Courses

Online courses are designed for consistent engagement. As such, students are expected to actively participate in online coursework. Individual course syllabi will further define what the expectations of online participation are

for students. However, at minimum, online courses will have weekly mechanisms for student participation, which can be documented by any or all of the following methods:

- Assignment, collection, and receipt of at least one academically relevant assignment, which may include:
- Completion of tests or quizzes
- Submission/completion of a discussion forum
- Submission/completion of assignments
- Submission/completion of an online activity
- Communication with the instructor about a course-related assignment

AND/OR:

- In courses where synchronous meetings are deemed necessary, verification/recording of each student's presence in or absence from a physical or virtual "live" classroom (e.g. synchronous meeting on Zoom or other similar platform)

Students are required to log in to each online course consistently (either within the learning management system, eClass, or an instructor-approved third-party publisher site or synchronous tool). As an additional component of participation, students should frequently check student email, course announcements, and discussion forums in their online course(s). The student is solely responsible for checking updates related to the course.

Additional definitions of attendance and participation may be outlined in individual course syllabi. Please be sure to review each course syllabus thoroughly to understand expectations.

For MSMC's general expectations for student conduct in virtual learning environments, please review the "Virtual Classroom Conduct" section of this handbook.

### **Anticipated Absences in Online and Hybrid Courses**

In the case of an anticipated absence, such as military deployment, the student should contact the instructor in advance and make arrangements to complete the required assignments. In case of an emergency (illness, accident, or death in family), a student should contact the instructor as soon as possible providing documentation supporting the need for any late submission of a graded event. Students are responsible for informing the instructor and the Registrar of hospitalizations and other long-term absences. Any arrangements to make up work are made at the discretion of the instructor.

### **Withdrawal from Online and Hybrid Courses**

Students who withdraw from the College must inform the Registrar formally before departure. Students who are not participating in the course, and do not notify their instructor or the Registrar of a withdrawal, remain responsible for work assignments and material covered in their absence and may face dismissal.

## **ACADEMIC HONESTY IN ONLINE AND HYBRID COURSES**

The guidelines for academic honesty as outlined in this Handbook also apply to students in online and hybrid courses. Plagiarism, disruptive behavior (such as improper discussion posts or poor internet etiquette), and/or taking an exam for someone else are all violations of student conduct guidelines. Please read the Academic Honesty Policy carefully.

### **Student Authentication in Online Coursework**

Students are required to use MSMC email for all communication related to online and hybrid courses. Students should be informed that email is reserved exclusively for communication of an individual or sensitive nature. Personal email accounts should not be provided or used under any circumstance.

All students registered for MSMC hybrid-blended and fully online courses have a secure user ID and password assigned to them by the College using a FERPA-compliant procedure. Students may change their password at any time and are prompted to do so every 90 days, with reminders every 21 days. Access to online courses is controlled by the use of the secure User ID and password.

eClass integrates with MSMC's authentication services to ensure appropriate and secure student access to courses and other campus information systems. The unique User ID and password are used to verify that a student who registers for an online course or program is the same student who participates in and completes the course or program. All users of the Moodle system are responsible for maintaining the security of their IDs and passwords, or any other access credentials as required. Attempting to discover another user's password or attempts to gain unauthorized access to another person's files or email is prohibited (see Information Technology Acceptable Use Policy). If a student is having trouble with their MSMC account that is preventing them from logging in to any College platforms, they should contact the IT Support Desk at 845-569-3491 or [it.support@msmc.edu](mailto:it.support@msmc.edu).

### **NATIONAL COUNCIL FOR STATE AUTHORIZATION RECIPROCITY AGREEMENTS (NC-SARA)**

Mount Saint Mary College is able to deliver our online programs in states outside New York through the State Authorization Reciprocity Agreement (SARA) process. SARA is a voluntary agreement among its member states and U.S. territories that establishes one set of national standards and regulations for offering postsecondary distance education courses and programs. This agreement is administered by four regional educational compacts and overseen by NC-SARA.

New York is a member of SARA and Mount Saint Mary College is an approved SARA institution. We adhere to the established SARA standards for offering online education among member states, districts and territories. SARA benefits for Mount Saint Mary College online students:

- Expands access to educational offerings
- Enhances overall quality of distance education
- Leads to better resolution of complaints from students in SARA states
- Complaint Resolution for online students

NC-SARA students have an avenue for filing complaints related to consumer protections and/or NC-SARA Policy with the institution. Note: NC-SARA complaints do NOT include complaints related to grades or student conduct violations. Additional information for filing complaints related to consumer protections can be found in Section 4 of the [SARA Policy Manual](#).

Consumer protection complaints, as outlined by the SARA Policy Manual, may be filed internally with the Office of Academic Affairs. Students should follow all internal processes, as guided by Academic Affairs, prior to filing a complaint with a state agency or SARA. If the situation is not resolved internally, students may contact the entities below to file a complaint.

1. New York State Department of Education – Office of Higher Education [www.nysed.gov/college-university-evaluation/filing-complaint-about-college-or-university](http://www.nysed.gov/college-university-evaluation/filing-complaint-about-college-or-university)
2. National Council for State Authorization Reciprocity Agreement (NC-SARA) <https://nc-sara.org/student-complaints>
3. Mount Saint Mary College accreditor, the Middle States Commission on Higher Education [www.msche.org/complaints/](http://www.msche.org/complaints/)
4. Appropriate complaint agency in all states where students reside.

In addition, the United States Department of Education requires each institution of higher education to provide all prospective and current out-of-state students with the contact information of the state agency or agencies that handle complaints against postsecondary education institutions offering distance learning within that state. This information can be found [here](#). Information listed for each state is subject to change and will be updated on a routine basis.

## ADDITIONAL SERVICES AND FACILITIES

### ALUMNI AFFAIRS

The Office of Alumni Affairs is the administrative unit of the College responsible for leading and managing Mount Saint Mary College's alumni relations program. Its focus is to work towards strengthening the relationship between the college and its alumni through the development of programs, activities, and events that engage alumni in meaningful ways with the college and each other. The Board of Directors of the MSMC Alumni Association works in an advisory capacity with the Office of Alumni Affairs to develop long-range strategies and goals for the alumni relations program and the Alumni Association, and provides the volunteer leadership necessary to implement plans, achieve goals and fulfill the Alumni Association's mission to promote the general welfare of the college. Students participate in Alumni Weekend & Family Weekend, the Mount's Annual Fund Phonathon, and other annual events.

### CAMPUS STORE

The Campus Store serves the college community by providing a wide range of quality goods and services. The Campus Store stocks all required course materials and textbooks, school supplies, computer supplies, school insignia items, and college spirit clothing. Balloons can be ordered for the last-minute gift. The Campus Store sells a wide variety of snacks in addition to soda and other beverages. Disciplinary action will be taken against those individuals involved in the sale or transfer of stolen property. Major credit cards are accepted, as well as imprinted personal checks with a valid ID. Book rentals require a credit or debit card. The Campus Store is located on the ground floor of Aquinas Hall. Store hours are 9 am-7 pm Monday through Thursday and 9 am-4:30 pm on Friday.

### CLOSINGS

Should severe weather or other conditions require the administration to suspend classes and office work on a scheduled school day, the MSMC Alert System will send notifications to all who have signed up for it. You will be notified by text, email, home phone, and cell phone, if you wish. Weather-related cancellations and closings will be posted on the home page of the College's website at [www.msmc.edu](http://www.msmc.edu) with details on [weather page](#) and on the portal ([my.msmc.edu](http://my.msmc.edu)) by 6 am or so. There is also a Closings and Cancellations number: 845-569-3500. Please do not call the switchboard or staff.

Students should be prepared to make individual decisions regarding class attendance based on specific conditions of the area in which they reside. Weather conditions can vary greatly within the Hudson Valley Region.

### EMERGENCY RESPONSE PLAN

An Emergency Response Plan (ERP) has been established to provide direction for communicating information to the college community about serious incidents involving students or matters that significantly influence college life. A copy of this plan is available for students to review in the Security and Safety Office. All members of the college community are encouraged to subscribe to the MSMC Emergency Alert Notification System.

During times of severe weather or other emergencies, members of the college community are expected to follow all directions relative to evacuation, relocation, or sheltering-in-place.

### HUDSON HALL

Hudson Hall serves as a student center and includes: 10 state-of-the-art classrooms, the Division of Education as well as the Vice President for Students, Assistant Vice President for Students, Residence Life, Student Engagement, Student Government Association, Campus Ministry, Student Conduct, and a student lounge. There is an auditorium, meeting room, a lounge located in the complex, and you will find Henry's Courtside Café and the 24/7 Mount Mart.

NCAA soccer and lacrosse turf fields, six NCAA tennis courts, a multi-purpose practice field along with parking, and outside seating are located outside of Hudson Hall.

## IDENTIFICATION CARDS

Students are issued identification cards (ID cards) that are intended for use during the entire period of enrollment. **This card must be carried at all times while on college property or at college-sanctioned events.** Use is necessary in such places as the dining hall, the library, and the athletic and recreation center. It is also used for resident students to access their buildings and may be used as part of the Mount Money program in the Campus Store, dining facilities, vending machines, and at participating off campus Mount Money merchants. More information about Mount Money can be found at [www.msmc.edu/mountmoney](http://www.msmc.edu/mountmoney). Report lost or stolen cards to Safety and Security at 845-569-3200 immediately.

## LOST AND FOUND

The Lost and Found is located in the Security & Safety Office in the Garden Apartments (GA). The College assumes no responsibility for personal property lost, stolen, or damaged on campus.

## MASTER CALENDAR

Special events in Aquinas Hall, the Villa and the Dominican Center which will utilize the following facilities: Reception Room, Aquinas Theatre, Villa Conference Room, the Fluet Family Hudson Hall Auditorium, Hudson Hall Glass Lounge, Cotter Library (Villa), the Aquinas Hall Atrium, the DC cafe and other meeting rooms must first be entered through Astra Scheduling software. These reservations must be made through the faculty member that is sponsoring your event. The scheduling can be done through contacting [events@msmc.edu](mailto:events@msmc.edu). This procedure is to be followed to ensure that the requested space is available for the date and time desired. Please note that special permission must be obtained to use the Aquinas Theatre. To reserve classrooms, the Office of the Registrar, located in Aquinas, must be contacted. All "event" set-up requests should be sent through the SchoolDude work order system or by calling ext. 3333 at least one week prior to the day of the event. If requests are not made, there is no guarantee staffing will be provided for the set-ups.

## ROOM RESERVATIONS

Room reservation requests are submitted by emailing [kathleen.barton@msmc.edu](mailto:kathleen.barton@msmc.edu) or call at 845-569-3609.

All "event" set-up requests should be sent through the SchoolDude work order system on the portal or by calling ext. 3333 at least one week prior to the day of the event. If requests are not made, there is no guarantee staffing will be provided for the set-ups.

## SECURITY & SAFETY

For security assistance, call 845-569-3200. A mobile patrol is on duty 24 hours daily and can be dispatched to any location on campus where assistance is required. The 24-hour Security Desk is located in the Garden Apartments (GA's). The administrative offices are located in GA 1, and are open during normal business hours. Resident students should always lock the door to their room, even if leaving for just a short period of time. Car doors should also be locked with any article of value placed in the glove compartment or trunk, or removed from the car. The College assumes no responsibility for property lost, stolen or damaged. Students are urged to contact Security & Safety at 845-569-3388 to learn of services offered by the Security & Safety Department. These services include a property ID program, transport and escort services, fire safety education, and other crime prevention programs. Additional information can be found in the Annual Security Report, which is published every year, and is available on the college web portal. The MSMC Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department.

## MSMC EMERGENCY ALERT NOTIFICATION SYSTEM (MSMC ALERT)

Emergencies can happen at any time and any place, including a college campus. MSMC Alert is the emergency notification system for students, faculty, and staff at the Mount. MSMC Alert will be used to notify you in the event of a campus emergency, but you must be enrolled first. Enrollment is free, simple, and takes just a few minutes. You can receive notifications via a combination of email, voice calls or text messages. A cell phone is probably the best contact number, but you can provide multiple contact numbers to suit your needs. Remember, you will only be notified of a campus emergency if you enroll in MSMC Alert, so it's important that you take time now and enroll in this free service. You can register by logging into the college web portal, selecting the Security & Safety page, and selecting the **Register**

for **MSMC Alert link**. There is also a list of frequently asked questions (FAQ) for you to review during the registration process.

## **STUDENT MAIL**

Every freshman resident student is assigned a mailbox. Upper-class students receive a mailbox upon request. Residents of Sakac Hall has mailboxes located off of the lobby. Students living in the College Courts and Elmwood complexes have mailboxes located on the ground floor of College Court 408. Dominican Center residents have mailboxes in their building on the 3rd floor in the fitness room. Resident students receive their mailbox number and key upon check-in. Incoming mail is sorted by student mailbox number in the Campus Store and is delivered to the student's mailbox. A student should make certain that all parties sending mail to him/her have correctly listed the student mailbox number. Resident students are the only students that can have mail sent to the campus. When a package is received, students are notified via email to their student email address. All students must go to the Campus Store, located on the ground floor of Aquinas Hall, to sign and show ID for any packages they receive. The Campus Store also provides shipping services and the ability to purchase stamps. Costs for these items may be paid in the Campus Store. Please contact 845-569-3277 for more information.

## **SOURCES OF INFORMATION**

### **Student Affairs Office**

The Student Affairs office, located in Hudson Hall, is the primary place for students to go when they have questions. The Student Handbook is overseen by the Office of Student Affairs.

### **Media Services**

The Office of Marketing and Communications' Media Relations and Public Relations functions to coordinate publicity and share information about and for the College. Students involved in newsworthy projects or programs should inform this office about such activities at least two weeks in advance so publicity may be released.

### **Catalogs**

The Undergraduate and Graduate Catalogs are the principal sources of information regarding academic matters. Students are responsible for knowing the requirements for degrees and policies concerning transcripts, grading, admittance, and withdrawal from classes. The college catalogs can be found online at <http://msmc.smartcatalogiq.com/2022-2023/Undergraduate-Catalog>.

### **Bulletin Boards**

Bulletin boards are located on the ground floor and second and third floors of Aquinas Hall and in Hudson Hall. Rules for the use of the bulletin boards are available through the Poster Policy. Posters and announcements may not be placed on walls in Hudson Hall or in the following Aquinas locations: the Student Lounge, Dining Hall, the hallway between the North Entrance of Aquinas to the Campus Store and on the walls and stairwells in the MST building. **Please refer to the poster policy for complete guidelines.**

### **My.MSMC.edu**

This site provides announcements, directories and resources. Information may be posted via email to [webservices@msmc.edu](mailto:webservices@msmc.edu).

The College public website is: [www.msmc.edu](http://www.msmc.edu)

# CAMPUS DIRECTORY

**Office Location Tel. Ext. (From off campus dial 845-569-XXXX)**

Academic Affairs, The Villa	3232
Admissions, Guzman Hall	3223
Alumni Affairs	3217
Applications Development	3104
Arts & Letters, Aquinas Hall	3102
Athletics, Kaplan Center	3594
Audio Visual, Aquinas Hall	3106
Bishop Dunn Memorial School	3494
Business, School of, Aquinas Hall	3582
Campus Ministry, Hudson Hall	3154
Campus Store, Aquinas Hall	3181
Career Center, Aquinas Hall	3175
College Advancement	3215
Counseling Services, Aquinas Hall	3115
Desmond Center for Community Engagement	3633
Dining Services (Parkhurst), Aquinas Hall	3186
Digital and Online Learning	3457
Disability Services, Aquinas Hall	3638
Diversity, Equity, & Inclusion (DEI), Guzman Hall	3298
Education Division, Hudson Hall	3525
Facilities	3333
Finance and Administration	3211
Health Services, Guzman Hall	3152
Help Desk (Technology), Aquinas Hall	3491
Higher Ed. Opportunity Program (HEOP), Aquinas Hall	3178
Human Resources, 45 Elmwood Place	3294
Graduate Admissions	3225
Library, Dominican Center	3600
Mailroom, Aquinas Hall	3277
Marketing and Communications, The Villa	3219
Mathematics & IT, Aquinas Hall	3272
Media Relations, The Villa	3222
Natural Sciences, Aquinas Hall	3130
Nursing, School of, Aquinas Hall	3127
Office of Student Success, Aquinas Hall	3176
Operator	0
Philosophy/Religious Studies, Whittaker Hall	3157
President's Office, The Villa	3202
Public Relations	3412
Purchasing	3515
Registrar, Guzman Hall	3281
Residence Life, Hudson Hall	3111
Security & Safety, GA1	3200
Social Sciences, Whittaker Hall	3157
Student Engagement, Hudson Hall	3545
Student Affairs, Hudson Hall	3110
Student Financial Services, Guzman Hall	3700
Student Government, Hudson Hall	3366
Weather Line (school closings)	845-569-3500

