



**Benedictine**  
University  
Mesa

## **2018-19 STUDENT HANDBOOK**

The Benedictine University at Mesa Student Handbook provides community and individual expectations. Various offices and departments will also supply guidelines. A failure to abide by your Responsibilities and any University Policies and Procedures will be resolved through the Student Life Conduct Process. The Handbook explains the process as an educational tool to maintain a safe environment while instilling responsibility of the individual.

In addition to the Student Handbook, the Academic Catalog and website provides a valuable resource to guide you through your student life at Benedictine University at Mesa. The University reserves the right to implement changes at any time. All changes are applicable to all students when and as announced. Reasonable attempts to communicate changes will be made and proposed changes to policies and procedures can be submitted to the Associate Vice President of University Services and Student Life.

### **Mission**

Benedictine University is an inclusive academic community dedicated to teaching and learning, scholarship and service, truth and justice, as inspired by the Catholic intellectual tradition, the social teaching of the Church, and the principles of wisdom in the Rule of St. Benedict.

### **Vision**

Benedictine University aspires to be a thought leader in Catholic higher education. We seek to provide a transformative and integrative educational experience grounded in Benedictine values, helping students shape lives of meaning and purpose as engaged citizens who care for the Earth, welcome people of diverse faiths and cultures, and promote the common good.

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## **Student Statement of Responsibilities**

Benedictine University at Mesa is both a Catholic and an academic community dedicated to the advancement of learning and committed to a philosophy of mutual tolerance and respect. Benedictine University is a community of people with distinct backgrounds: ethnic, racial, cultural and religious. We are also a community with a variety of roles: faculty, staff and student. Despite these differences, we are a community with a common interest in creating an environment which encourages the growth and development of all people. We understand that such an education consists of both classroom work and the full experience that university life can provide. To promote such a learning environment, the University provides a Statement of Responsibilities and a set of policies each student accepts while a member of the Benedictine community, which may be at our Lisle, Mesa, Moser, Cohort or on-line campuses. Current local, county ordinances and state law will apply to all community members.

The University attempts to establish a climate which encourages the assumption of responsibility by students for their individual and collective actions with minimum regulation. It shall be the responsibility of each student to comply with the appropriate standards of conduct and decorum befitting members of an educational community. The activities enumerated below constitute violations of University rules, regulations, policies, and standards of conduct and shall be subject to disciplinary action. A student attending a University-sponsored function off campus is subject to the same standards of conduct as those expected on campus. Because Benedictine University at Mesa is located within a community, any Benedictine University student who has violated criminal laws may also be subject to University judicial proceedings. Additionally, violations of local, state or federal laws on campus may also result in the filing of criminal charges.

You are encouraged to develop a sensitivity to and an awareness of your environment by formulating and accepting a personal code which is compatible with the code of the community of which you are a member; that is, the Benedictine Community. This means that you must analyze your motives, study your impulses, accept responsibility for your behavior and discover the freedom and limits of that freedom as a community member. When a student becomes a member of the Benedictine University community, that student agrees to abide by all University policies and to accept four responsibilities:

- (1) Responsibility to one's education;
- (2) Responsibility to Oneself;
- (3) Responsibility to colleagues and community; and
- (4) Responsibility to the University.

The following sections detail responsible activities and also list actions that are prohibited by University policy.

### *1. Responsibility to One's Education.*

To ensure a comprehensive and authentic education, the student is responsible for planning their academic program and progress, and for evidencing academic performance with honesty and integrity. Intended learning cannot be evidenced if one misrepresents the work of others as his/her own. While the University encourages students to assist one another (e.g. tutoring; group projects), the student is accountable for work submitted to meet his/her requirements. Faculty members and advisors are available to assist the student in program planning and in academic achievement. The student has accountability for meeting course, degree and

graduation requirements. Academic Policies and procedures related to academic courses and programs can be found in the respective Undergraduate Catalog and Graduate Catalog.

## *II. Responsibility to Oneself.*

To engage fully in the pursuit of an education, one must treat oneself with respect. This means many things, but such self-respect is fundamentally a commitment to personal integrity and individual wellness. Those who are committed to personal integrity show a willingness to be accountable for their own actions. They conduct themselves honestly, thoughtfully and consistently with the values of the community. In addition, they strive for comprehensive personal health. In doing so, they avoid practices which harm the body and the mind such as excessive consumption of alcohol or the recreational use of drugs. They endeavor to develop self-esteem and feel called to live in ways that exhibit leadership, ethics and values. All students will be required to pursue their academics to the best of their abilities (studying and attending classes). Students may lose their privileges (housing, parking, etc.) if they do not maintain their commitment to their course work. The following are a few specifics:

- A. All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the institution and forgery, alterations or use of institutional documents or instruments of identification with the intent to defraud are prohibited. Required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism.
- B. Misuse of alcohol. The legal age for the possession and use of all alcoholic beverages in Arizona is 21. Fraudulent identification for the purpose of securing alcoholic beverages and/or purchasing such beverages for minors is a violation of state and local law.
- C. Unauthorized Gambling is not permitted on University grounds, in residence halls or at official functions of student organizations.
- D. Possession, use or sale of controlled substances or drug paraphernalia is not permitted. Benedictine University has the obligation to uphold federal, state and local laws with regard to the possession and use of drugs by its students. The University will cooperate with legal authorities when necessary. Although students so involved are subject to University action, the University reserves the right to view each case of drug-related activity as an individual case, with the kind of drug and level of involvement as criteria for the action and role taken by the University in the case (see "Substance Abuse Policy").
- E. The University has instituted a fire safety action plan. Upon hearing a fire alarm, one must leave the building immediately—a civil citation may be issued up to \$500 if failure to do so.

## *III. Responsibility to Colleagues and Community.*

To allow others to engage fully in the pursuit of their own education, one must treat other members of the University community with respect. To do so involves a commitment not only to refrain from conduct that harms, but also to engage in the conduct that makes the community a better place for all to live and learn. Only the individual can accept the duty to act affirmatively. The University is committed to an environment that encourages such a duty, and it sets forth the following conduct concerning classmates and other members of the community.

- A. Physical and threat of confrontation to harm any person is prohibited. This includes physical conflict, lethal, and less-than-lethal use or possession of weapons/ammunition.

- B. Hazing of any person by a campus organization or another person is prohibited. Benedictine University prohibits conduct by an individual, organization or group affiliated with the University participating in any hazing activity which threatens a person's rights of self-respect, which disrupts community life, or which encourages the violation of local, state or federal law, or Benedictine University Policies and Procedures.
- C. Discriminatory harassment to any person on University premises or at University-sponsored functions is prohibited.
- D. Promotion of self-inflicted activities on the Internet, including harming others and underage drinking.
- E. Failure to comply with directions of University officials acting in performance of their duties is prohibited.
- F. Community members may not engage in conduct unbecoming of a Benedictine University student.

#### *IV. Responsibility to the University.*

To assist the University in offering the finest education possible, one must treat the University campus and the University resources with respect. Such respect involves stewardship of community assets through responsible use, as well as refraining from damaging or misusing University facilities and resources. The following is prohibited:

- A. Disruption of the University community or obstruction of teaching, research, administration, disciplinary proceedings or other institutional activities.
- B. Theft from or damage to University property or the property of a member of the University community.
- C. Acts of vandalism or malicious defacement of property, or the property of the University community, including tampering with telephones, the computer network/university's website and safety and/or fire equipment on campus.
- D. Every student must ensure that they have their Bencard at all times and that the card has the correct information and is valid for the duration the student is at the university. Unauthorized possession or use of campus keys, access cards or identification cards is prohibited.
- E. Violation of published University regulations including those relating to entry and use of University facilities, and any other regulations, which may from time to time be enacted.
- F. Violation of rules applicable to residence halls.
- G. Contempt of the judicial process or its authorities.
- H. Violation of local, state, or federal laws.
- I. Non-Payment of Student Accounts

#### **Alcohol Policy**

Abide by current local ordinances, state law and University policies. The Benedictine University's policy can be viewed on [www.ben.edu/about/gci/alcohol\\_drug\\_policy.pdf](http://www.ben.edu/about/gci/alcohol_drug_policy.pdf). Students should also be aware that in the event prosecution occurs inside or outside the University, legal sanctions under applicable law for unlawful possession and/or consumption of alcoholic beverages includes fines or imprisonment.

Alcohol education programs are conducted routinely at Benedictine University. Students experiencing difficulties with alcohol or drug use are encouraged to talk with a staff member in Student Life, the Associate Vice President of Student Life, or other members of the University staff.

### **Smoking/Tobacco Policy**

In an attempt to respect the rights of both non-smokers and smokers, and with a definite concern for health of all members of its community, Benedictine University at Mesa has developed the following policy for tobacco use on campus. Smoking or use of any form of tobacco IS NOT permitted inside any academic, residential or administrative building on campus. This policy implements applicable Arizona law (specifically, the Smoke-Free Arizona Act A.R.S. §36-601.01 effective as of November 2006). All smoking or tobacco materials are to be properly extinguished and disposed of in a cautious, sanitary and appropriate manner. Benedictine University at Mesa has designated an outside smoking area; please see the campus safety officer to locate the smoking area.

### **Drug Free Campus/Workplace Policy**

The use, possession or distribution of any drug, including marijuana, or drug paraphernalia on any University property or as part of a University sponsored activity, in violation of the law is strictly forbidden. Anyone violating the law may be turned over to civil authorities for prosecution and will be subject to all of the University's disciplinary procedures. Students should not be in a room where drugs or drug paraphernalia are present. Both Arizona and federal law prohibit the possession and/or distribution of illicit drugs and any student suspected of breaking the law will be subject to University review and sanction. Criminal penalties include fines, imprisonment and, in certain cases, the seizure and forfeiture of the violator's property. In addition, federal and other forms of financial aid may be forfeited.

### **Non-Discrimination Policy**

Benedictine University does not discriminate in its admission policies, programs or activities; educational policies; scholarship and loan programs; athletic and other University administered programs or employment practices and programs on the basis of age, religion, sex, disabilities, race, color, national ethnic origin, or any other legally protected characteristic. In addition to meeting fully its obligations of non-discrimination under federal and state laws, Benedictine University is committed to maintaining a community in which a diverse population can live and work in an atmosphere of tolerance, civility and mutual respect for the rights and sensibilities of each individual, regardless of difference in economic status, ethnic background, political views or other personal characteristics and beliefs.

The University is also committed to providing all of its students, faculty, staff and visitors with reasonable access to its programs, events and facilities. To this end, and in compliance with the American with Disabilities Act of 1990, the University has made, and continues to make, modifications to its facilities and programs so as to provide access for those individuals with disabilities. If a person believes they have been a victim of discrimination or harassment or for further information and assistance, they may contact the Associate Vice President of University Services and Student Life.

### **Compliance with Federal Non-Discrimination Regulations**

Several federal regulations have been adopted that have as their purpose the protection of students' rights. Of particular interest are the following:

- A. *Equal Opportunity.* Benedictine University supports the principles of equal opportunity for employment to all qualified persons without regard to race, gender, religion, color, national origin age or other legally protected characteristics. Inquires regarding compliance may be directed to the Benedictine University Personnel Resources Office

or to the Director of the Offices of Civil Rights, Department of Education, Washington D.C.

- B. *Title IX*: Benedictine University does not discriminate on the basis of gender, in accord with Title IX of the 1972 Education Amendments, in its educational programs, admission policies, activities or employment policies. This legislation provides that no person in the United States shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. This includes protection from sexual harassment or sexual violence, such as rape, sexual assaults, sexual battery, and sexual coercion. Inquiries regarding compliance may be direct to the Associate Vice President of Student Life.
- C. *Accommodation Services*: Benedictine University is dedicated to creating an accessible environment through reasonable and appropriate accommodations for students with disabilities.

Students with a disability are encouraged to seek assistance with the Associate Vice President of University Services and Student Life in Gillett Hall. Special accommodation services are available for students with disabilities on a case-by-case basis and provided that documentation from a properly licensed clinician supports the accommodation. Students eligible under the Americans with Disabilities Act (1990) and/or Section 504 of the Rehabilitation Act (1973) and/or state law, whose disability interferes with a major life activity, are urged to self identify so that the process for receiving assistance can begin as soon as possible.

Commonly granted accommodations include the following:

- Extended time for testing in a quiet test environment
- Designated note-taker in class
- Modified or enlarged classroom/reading materials
- Books in alternate formats
- Preferential classroom seating

Students with questions or in need of special academic or housing accommodations should meet with the Associate Vice President of University Services and Student Life to arrange proper documentation for equal access to educational and campus services.

### **Hate Crime Policy**

A hate crime is classified by law as a felony offense and is in direct violation of the University non-discriminatory policies. Therefore the University, in addition to processing hate crimes in accordance with the law, may simultaneously proceed with internal investigatory and disciplinary processes as defined by our handbook. A person commits hate crimes when by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability or natural origin of another individual or group of individuals, he commits assault, battery, aggravated assault, misdemeanor or criminal danger to property, criminal trespass to property, mob action or disorderly conduct, and/or harassment by telephone.

A person who has been a victim of a hate crime may report the crime to the Benedictine University campus safety, a residence hall staff member, the Associate Vice President of University Services and Student Life, health/counseling office or an outside community agency. Those who report a hate crime will be advised of the importance of preserving

evidence which may be necessary to provide proof for prosecution. Hate crimes will be reported to the Campus Safety Officer on-duty as well as the Mesa Police Department. The University will support services for persons who have been victims of hate crimes. Staff will serve in an advocacy role and help refer individuals for appropriate medical, police, and counseling assistance.

### **Student Sexual Misconduct Policy and Procedure**

One of Benedictine's stated goals is to maintain an environment that is healthy and safe. Sexual misconduct is not consistent with this goal and the University is committed to providing a living and learning environment that is free of such threats. It is the University's policy that acts of sexual misconduct will not be tolerated. [Click here for the University's Title IX Policy.](#) For purposes of this policy, "sexual misconduct" is defined as any attempted or actual act of non-consensual or forcible sexual touching. This would include, but is not limited to, fondling, kissing, groping, attempted intercourse (whether oral, anal or genital), penetration or attempted penetration with a digit or any other object.

"Consent" requires speech or conduct indicating a freely given, un-coerced agreement to engage in sexual contact. Consent may not be inferred from silence or passivity alone and a current or previous relationship is not sufficient to constitute consent. Consent may be withdrawn at any time prior to a specific sexual act by either person.

To be valid, the person giving consent must be physically and mentally able to:

- Understand the circumstances and implication of the sexual act;
- Able to make a reasoned decision concerning the sexual act; and
- Able to communicate that decision in an unambiguous manner.

There are a number of factors which may limit or negate a person's ability to consent to a sexual act. These include impairment due to the influence of alcohol or drugs (illegal or prescription), a person's mental or physical impairment of which the other person is aware or should reasonably have been aware, unconsciousness, and fear or coercion.

Persons accused of sexual misconduct will be subject to disciplinary action in accordance with Benedictine University's policies and procedures for student conduct. At the discretion of the University, persons accused of sexual misconduct may be immediately suspended or restricted from campus pending final disposition of any disciplinary proceedings. Individuals found to have committed sexual misconduct will be subject to sanctions, up to and including dismissal from the University.

In addition to student disciplinary action, persons accused of sexual misconduct may be subject to criminal prosecution by the law enforcement agency with appropriate jurisdiction in that case. In the course of a criminal investigation or prosecution, Benedictine may choose or may be required to provide information and records related to its disciplinary proceeding involving the same act. However, Benedictine's student disciplinary process is independent of and not dependent upon any criminal process. The decision to prosecute or not prosecute and the ultimate outcome of any criminal proceedings do not affect or influence the University's student conduct proceedings.

A person who has been a victim of sexual assault may report the crime to the Mesa Police Department (602) 829-6666, a residence hall staff member, the Associate Vice President of

University Services and Student Life, the health/counseling office or an outside community agency such as the Arizona Sexual Assault Network (<http://www.arizonasexualassaultnetwork.org>). Benedictine University provides support services for persons who have been victims of sexual assault. Staff will serve in an advocacy role and help refer individuals for appropriate medical, police, judicial and counseling assistance. Upon request, assistance will be provided in changing academic schedules and living arrangements.

Even if a victim decides not to file criminal charges with the Police Department, it is recommended that the individual contact a University or community resource to get support. Victims are entitled to confidential services either on or off campus whether or not charges are pressed. Resources available to you include:

*On-Campus Resources*

Student Life Staff (602) 888-5507

*Off-Campus Resources*

24-hour Emergency Number 9-1-1  
Mesa Police Victim Services Unit (Non-emergency) (480)644-4075  
Center for Prevention of Abuse/Violence (800)559-SAFE (7233)  
Voices for Crime Victims (480)600-2661

*Arizona Domestic Violence Laws: Rights of Victims*

Domestic violence is a crime. Any person who hits, chokes, kicks, threatens, harasses or interferes with the personal liberty of another family or household member has broken the Arizona Domestic Violence laws, namely A.R.S. §13-3601.

Domestic violence consists of physical assault, sexual abuse and stalking. The violence takes many forms and can happen all the time or once in a while. If you are in an abusive situation, you are urged to seek help. For on-campus resources refer to the following resources:

Autumn House Domestic Violence Shelter  
(480) 835-5555 - 24 hours a day

A New Leaf – Mesa Office  
(480) 969-4024

The Victim's Bill of Rights is addressed in Article II of the Arizona Constitution. Further, Crime Victim's Rights are outlined in A.R.S. Title 13, Chapter 40 to ensure fair and compassionate treatment for victims and witnesses of crime. Arizona victims' rights law provides that victims have the right to receive timely notice of criminal proceedings in their cases. Victims have the right to be present in the courtroom during all proceedings involving the defendant. The Victim's Bill of Rights and related statutes ensure that victims are provided the opportunity to be heard at release, plea, and sentencing proceedings. These laws also provide for the safety of victims throughout the criminal justice process as well as their interest in avoiding unreasonable delays, their claims for restitution, and to be treated with dignity and respect

## **Discriminatory Harassment and Sexual Harassment Policy**

We are all responsible for creating an environment where we are treated with respect and dignity. Sometimes behavior that seems acceptable to you may be offensive to others. Any harassment or false accusations of harassment, of or by employees or students, is not acceptable. Benedictine University prohibits harassment on the basis of sex, race, religion, age, national origin, disability, sexual orientation, or membership in any other group protected by law, including the following behaviors:

- Unsolicited remarks, gestures, or physical contact; display or circulation of written material or pictures negative or offensive to gender or to racial, ethnic, religious or other groups protected by law;
- Unwelcome sexual advances, request for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic advancement or status, or the basis for employment-related decisions affecting the employee or decisions affecting the individual's academic advancement or status; or
- Conduct that has the purpose or effect of interfering with an employee's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

Harassment of any sort is a serious breach of University policy. The University will take prompt and appropriate corrective action, up to and including termination of employment, expulsion and/or other sanctions against anyone who engages in harassment. If you believe you have been the subject of harassment (or a violation of the University's Equal Employment Opportunity policy), report the alleged conduct immediately to the Associate Vice President of Student Life, Director of Personnel Resources, the Compliance Officer, or any other senior University official. Benedictine University prohibits any form of retaliation against any employee or student for filing a complaint or for assisting in a complaint investigation.

Students are encouraged to report all incidents of sexual harassment. The University will conduct an appropriate and discreet investigation of all reports of sexual harassment. The details of the investigation will be kept as confidential as feasible, consistent with University policies and applicable federal, state and local laws. Students are encouraged to report all incidents of sexual harassment.

- Complaints of sexual harassment by a University executive, faculty member, staff member, or teaching assistant are reported to and investigated by the employee's immediate supervisor, or the Director of Personnel Resources, the Compliance Officer or any other senior University official. (If any person to whom the report would be directed is involved in or associated in any way with the alleged conduct, the report must be directed to another senior official who is not involved.)
- Complaints of sexual harassment by a student are reported to and investigated by the Office of the Associate Vice President of Student Life. (If any person to whom the report would be directed is involved in or associated in any way with the alleged conduct, the report must be directed to another senior official who is not involved.)
- An appropriate and timely response to each complaint will be provided.

- No individual who makes a good faith report shall be subjected to retaliation, including harassment or any adverse employment, academic or educational consequence, as a result of making a report.

### **Responsible Use of University Technology Resources Policy**

The Office of Information Technology maintains an Acceptable Use Policy for the responsible use of technology resources for all members of the campus community. This document provides guidance on the use of technology at the University, including your responsibility to abide by all laws in your use of technology, including copyright and other laws protecting intellectual property.

Students should be aware of Netiquette basics in communicating via text, chatroom, online or email. Your behavior will be evaluated online as if you would demonstrate in person. Know that you are in cyberspace, respect other people's time and bandwidth, use appropriate upper and lower case, and respect other people's privacy.

### **Freedom of Expression Policy**

Benedictine University in its role as an academic institution, is committed to an environment in which a variety of ideas can be reasonably proposed and critically examined. The University community recognizes that the freedom of inquiry and expression which we seek to encourage may produce conflicts of beliefs, and of proposals for action. It is the responsibility of all members of the University community to maintain channels of communication which will foster a climate favorable to the freedom of expression.

Implicit in this freedom and with regard for the common purposes of the institution is the right to dissent and demonstrate in a peaceful and non-disruptive manner without unreasonable obstruction or hindrance. The University expects that those who enjoy these freedoms must also accept responsibility for order and discipline. Permissible speech does not include unlawful activity, activity that threatens or endangers the safety of any member of the community, destruction of property or obstruction of the normal operations of the University and will not be tolerated.

### **Insurance Policy**

In the event of loss or damage to your personal property while working, residing or visiting at Benedictine University, the University can issue a statement, should you wish to file a claim against your personal insurance policy. The University is not responsible for any personal property loss.

In order to have the statement prepared, the damage or loss should be reported to Campus Safety as soon as possible. A copy of the incident report should be brought to the University with a note indicating the name and address of your insurance carrier, and your address. Our statement will be prepared and mailed to you for attachment to your claim.

### **Accommodations Procedures**

Benedictine University will make every attempt to provide eligible students with reasonable accommodations based on individual learning needs and recommendations. In order to provide accommodations in a timely manner, the University requires reasonable notice of specific needs and requested accommodations.

Students needing accommodations should first complete the Disability Services Request Form. In addition, documentation of the disability from a licensed clinical professional should also be included. Students should provide these documents to the Coordinator of Special Services to begin the process for receiving accommodations.

When accommodations are approved, the Coordinator of Special Services contacts students and provides them with the Student Academic Accommodations Approval (SAAA) form, which notifies the instructors of the approved accommodations. Each semester students are responsible for obtaining their SAAA forms from the Coordinator.

All inquiries about referrals to clinical professional, who administer testing, modifications to accommodations, and temporary accommodations, should be directed to the Coordinator of Special Services in the Student Success Center.

Please read the Benedictine University Accommodations Policy for complete details.

### **Disciplinary and Counseling Records Procedure**

Information from student disciplinary or counseling files is considered a confidential, educational record and is not available to unauthorized persons on campus. To comply with federal law, as well as for reasons of confidentiality, disciplinary records/files may not be released to anyone off-campus unless under legal compulsion or in cases where the safety of persons or property is involved. A student's disciplinary record/file may only be reviewed by the student within the confines of the Benedictine University campus and the guidelines designated by the appropriate University administrator, generally the Associate Vice President of University Services and Student Life. Only the student and authorized persons may have access to such records. The University will take all reasonable steps to ensure that the confidentiality of student educational records is maintained. Any questions concerning the student's rights and responsibilities under the Family Educational Rights and Privacy Act should be referred to the Campus Registrar or the compliance officer.

### **Demonstrations Procedures**

Persons planning a demonstration should meet with the Associate Vice President of Student Life or her/his designee to discuss arrangements for the event. In consultation with the City of Mesa, University officials will determine the point at which the normal operations of a specific building or area are disrupted. The demonstrators will be informed specifically how they may continue their demonstration in a manner which is not disruptive. If the above described internal measures fail to achieve the desired results, the University reserves the right to ask for the assistance of civil authorities. Any student in a disruptive demonstration may be arrested and may be suspended pending formal action consistent with the University conduct system. Any person not officially associated with the University who is participating in a disruptive demonstration will be arrested and may be prosecuted. Just as Benedictine University expects the members of its community to abide by the above regulations, it likewise expects that any action taken to enforce compliance with regulations or prevent prohibited activity should be appropriate. The University expects all persons will comply with the directions of an authorized official.

Family Educational Rights and Privacy Act (FERPA)

## Annual Notice to Students

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

1. The right to inspect and review your education records within a reasonable time after Benedictine University receives a request for access. If you wish to review your record, contact the Registrar or the University office that maintains the record to make arrangements. You are required to submit your requests in writing and identify the record(s) you wish to inspect.
2. The right to request an amendment of your education record if you believe it is inaccurate or misleading. If you feel there is an error in your record, you should submit a statement to the University official responsible for the record, clearly identifying the part of the record you want changed and why you believe it is inaccurate or misleading. That office will notify you of their decision and advise you regarding appropriate steps if you do not agree with the decision.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. This includes any University faculty or staff employee (including the University Police Department) acting within the scope of his or her University employment and with appropriate supervisory authority; any individual or entity with whom the University has contracted as its agent to provide a service to the University when acting within the scope of the contract or agency and who is subject to appropriate confidentiality requirements; any member of the University's Board of Trustees; any student serving on an official committee, such as a disciplinary or grievance committee; and any student assisting a University official in performing tasks for which the University official may have access. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901.

Benedictine University's policy is to not release student record information without the expressed consent of the student. There are, however, some exceptions. For example, directory information may be released without the student's consent and includes the following: name, address, telephone number, major and minor fields of study; participation in officially recognized activities and sports, dates of attendance, degrees and awards received; most recent education institution attended; full-time/part-time enrollment status; photo. In compliance with the Solomon Amendment, directory information is provided to the United States Department of Defense, upon request. You may withhold disclosure of directory information by completing the "FERPA Non-Disclosure of Designated Directory Information" form available in the Registrar's office, within ten (10) calendar days of the first scheduled

class day of each fall term. A request to withhold disclosure of directory information is effective for one academic year only and must be renewed each year.

The University may also disclose student account and financial aid information without the student's consent to the student's parents if the parent requests the information in writing, completes the Parent Certification section of the Authorization For Release of Confidential Information to Parents and provides evidence that the student is his or her dependent for federal income tax purposes, or if there is a health or safety emergency involving their son or daughter, or if their son or daughter is under the age of 21 and has violated a federal, state or local law or any University rule or policy concerning the use or possession of alcohol or a controlled substance. Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

### **Student Life Conduct Process**

Failure to abide by your Responsibilities and any University Policies and Procedures will be resolved through the Student Life Conduct Process. Many times misconduct can be resolved informally, but some situations may require a more formal procedure. This procedure is grounded in the concept of fairness, and impartiality, thereby supporting the values of our community by addressing misconduct in a constructive and positive way. If University action is warranted, a student will receive a phone call and/or e-mail to their student e-mail account notifying them that a conversation is required. The following options will be considered at the sole discretion of the University through the Office of Student Life in Mesa:

#### *(A) Mediation.*

Incidents may be resolved through mediation – (a voluntary, private and informal process).

#### *(B) Hearings.*

Two kinds of hearings are possible: an Administrative Hearing (University appointed officials) and Panel Hearing (Representatives from the campus community, comprised of representatives from the student body, faculty and administration to act as panel).

The purpose of any hearing is to:

- (1) Come to an understanding of the misconduct by the Student(s);
- (2) Determine responsibility; and
- (3) Determine remedies.

Hearings can be used to resolve minor or more serious disciplinary matters (such as those that may result in a student being suspended or dismissed from the University) for offenses including, but not limited to: theft, dangerous weapon possession, misuse of fire protection equipment, sexual assault, illicit use of drugs and repetitious misconduct. Hearings may be conducted by a designated Hearing Officer or Board depending on the incident as determined by the Student Life office.

#### *(C) Hearing Process.*

Students are expected to obtain further details if they attend a hearing. The hearings will follow appropriate procedures to ensure a fair process. The parties will have the opportunity to present any facts to substantiate the claim, including witnesses.

Hearings will proceed in the absence of a Respondent who was given proper notice, who does not request a postponement and/or who does not attend the hearing. No parent, guardian, legal counsel or person outside of the University community is allowed to appear at the hearing, except if criminal proceedings are occurring simultaneously.

To ensure a fair process, parties may request assistance from community members in preparing for and participating in the investigation and hearing process. Students, faculty or staff who agree to assist and/or attend the hearing with the party, but not authorized to speak at the hearing, may provide such assistance. In the event a party is unable to locate someone to act in this capacity, they may request the assistance from the Student Life's office. The Administrator or Hearing Panel will be responsible for assigning a remedy in the event it finds that a violation of the Statement of Responsibilities and/or a University policy has taken place. Consideration of a student's entire disciplinary record at Benedictine University shall be taken into account when designing an appropriate sanction. The Disciplinary Records of a student generally will not be released.

### **Appeal Process.**

A student may appeal a decision made in a hearing concerning the finding of a violation or the remedy imposed within five days of notification of such decision. To do so, the student must deliver a written explanation of the grounds upon which the appeal is made to the Office of Student Life. The burden of demonstrating an inequity in the hearing or remedy shall lie with the student. The final decision will rest with the Office of Student Life.

### **Sanctions.**

This list does not and cannot include all information that may lead to sanctions. However, as a guideline, Sanctions are defined and are imposed as follows:

*(A) Warning:*

Written statement to the student indicating disapproval of his/her conduct or violation of regulations, and stipulating that continuation or repetition of such action may be cause for more severe judicial action.

*(B) Restitution:*

Reimbursement for damage to or mishap of property. Restitution may take the form of monetary compensation or the appropriate physical service to repair damages and may be combined with another type of sanction.

*(C) Monetary Fine:*

Financial assessment imposed according to specific sums stipulated in published rules and regulations, or when no sum is so stipulated, according to the merits of the case and established precedents.

*(D) Disciplinary Probation:*

The student is informed, in writing, that any subsequent misconduct or violation of institutional regulations during a specified period of time will be evaluated within the context of his/her probationary status and may result in suspension or expulsion. The terms of probation apply during the period of probation and may include any combination of the following:

- (1) May not become an officer or student representative in any University organization or committee
- (2) May not represent the University at any public function, including intercollegiate or co-curricular activities

(3) May not be eligible for scholastic honors or distinctions

*(E) Counseling or Psychological Treatment Mandate:*

If deemed necessary due to physical or psychological problems, a student can be required to provide a release of information form to verify psychological/substance abuse/evaluation and may have further treatment mandated as a condition of enrollment.

*(F) Residency Probation:*

The student is informed in writing that their general behavior in the residence hall indicates that they are not able to appropriately adjust to group living, and that any subsequent misconduct or violation of institutional regulations may result in the termination of their residence hall contract. In such cases, room and board charges will not be prorated or refunded.

*(G) Community Service:*

The student will be assigned a task to complete that will, on many occasions, relate to the inappropriate behavior. A time frame will be set up for the completion of this task and the student will be assigned a supervisor to report to.

*(H) Behavioral Contract:*

A contract between the student and the University that limits student's activities and spells out specific consequences for violation of the contract may be issued.

*(I) Special Projects:*

An assignment relating to the offense may be issued as a possible sanction.

*(J) Suspension:*

The student is informed in writing that he/she must leave the University community temporarily. Suspension shall be interpreted to include any or all of the following stipulations: the student may not attend classes, contact faculty, reside on campus or visit the residence halls, frequent campus facilities, and participate in campus activities or exercise student privileges. Suspension may be specified as follows:

1. Terms: suspension may be stipulated for a specified period of time after which the student is automatically eligible for readmission.
2. Conditional: suspension may be stipulated for an indefinite period of time premised on the student's accomplishment of certain specified conditions.
3. Interim: the University reserves the right to suspend a student on an interim basis when circumstances and facts indicate the student's continued presence on the campus constitutes an unreasonable danger of harm, danger to institutional property, to the student involved or to others. Interim suspension may be interpreted to permit all of the stipulations stated above, or it may be interpreted to permit students to continue attending classes while they are suspended from representing the University in extracurricular activities, including intercollegiate athletics.

*(K) Expulsion:*

The student is informed in writing that he/she is permanently separated from the University.

**Non-Sanction Resolutions.**

This list does not and cannot include all information that may lead to sanctions. However, as a guideline, Non-Sanctioned Resolutions are defined and are imposed as follows:

*(A) Interim Intervention*

The University reserves the right to suspend a student on an interim basis when circumstances and facts indicate that the student's continued presence on the campus constitutes an unreasonable danger of harm or injury to institutional property, the student involved or others. Students may also be suspended on an interim basis while undergoing judicial resolution by University or by civil authorities.

*(B) Involuntary Withdrawal*

A student may be subject to involuntary withdrawal from the University or from the residence halls, if it is determined that the student is suffering from a mental illness, and/or engages (or threatens to engage) in behavior which poses a danger of causing physical harm to self or others; engages in behavior which would cause property damage, impedes the lawful activities of others or disrupts the community.

**Student Complaint Process.**

Your concerns are important to us. If you encounter a problem involving the application of a Benedictine University policy or procedure or have any other dispute with the University that you cannot resolve informally and which adversely impacts you, you may file a complaint in writing.

For purposes of this process, a "complaint" is an expression of dissatisfaction concerning, a University employee, department, service or process, or a University administrative action, that requires clarification, investigation and/or resolution.

- A complaint must be made in writing, preferably using the Complaint Form below. It is important to report complaints promptly and to include a short and concise statement of all the relevant facts and the action or remedy you are requesting so that an investigation can be completed and a resolution achieved.
- Complaints must be filed within 15 business days from the date of the action or occurrence which is the subject of the complaint.
- The Office of Student Life will assign a tracking number to the complaint and acknowledge its receipt using the contact information you have provided on the Complaint Form.
- The Office of Student Life reviews each complaint to determine if it is one upon which action should be taken. If the complaint is properly the subject of the academic or financial appeals processes, or is a question of academic discretion, the complaint will be dismissed without further action.
- The Office of Student Life refers complaints requiring further action to the appropriate academic or administrative official (typically, a Dean or Director, or another appropriate administrator whom they have designated) for investigation and resolution.
- Within 10 business days after receiving a complaint, the Office of Student Life will advise the student in writing either (a) that it has referred the complaint to an administrator for investigation and resolution, and to whom the complaint was referred, or (b) that it has dismissed the complaint and the reason for the dismissal.
- An administrator to whom a complaint has been referred has 20 business days from the date of the referral to investigate and address the complaint. During the investigation and resolution process the administrator will communicate directly with the student who has filed the complaint. At the conclusion of the investigation and resolution the administrator will notify the student and the Office of Student Life in writing of the results of the investigation and the resolution of the complaint.

- The Office of Student Life may extend the investigation period beyond 20 business days by notifying, in writing, the student who filed the complaint, using the contact information provided on the Complaint Form.
- A complaint may be dismissed without further action if the student fails to cooperate in the investigation.

NOTE: Dealing with concerns in the most direct and honest fashion should always be the first step toward resolution. Many problems are resolved when one makes an appointment with a faculty or staff member and calmly and honestly communicates their concerns.