

I. PREAMBLE

The University of San Diego is an educational institution inspired by Roman Catholic values as expressed in the Mission Statement of the University. (See Appendix A, Mission Statement.) As an educational community the University seeks to make clear the rights and responsibilities of individuals and organizations which are part of that community.

This Code has been established in order to ensure community order and to facilitate students' unencumbered pursuit of education both inside and outside of the classroom. Stated first are the Rules of Conduct. Secondly are University policies related to students and student organizations. Thirdly are disciplinary procedures and sanctions.

The rules, policies and procedures outlined in this Code provide a framework for community life at the University of San Diego. Recognized student organizations may establish rules and procedures for the purpose of self-regulation so long as those rules and procedures are not in conflict with the provisions of this Code.

The University reserves the right to employ procedures outlined in this Code to respond to behavioral difficulties or violations of civil or criminal statutes both on and off campus regardless of the actions of civil and criminal authorities.

As changing times and needs of the University community dictate, the President of the University may appoint a committee to recommend additions to or deletions from this Code.

II. RULES OF CONDUCT

Enumerated below are the specific prohibitions, policies and procedures of the Student Code which are the foundation for individual/group conduct at the University of San Diego. As they are the fundamental basis of individual/group conduct, each student is responsible for understanding and following them while being a member of the USD community.

The following conduct is prohibited on University premises or at University events, wherever it may occur. (The same conduct, though occurring off University premises and not at University events, may nonetheless be subject to University sanctions when it adversely affects the University, its educational mission or its community.) Violation of these rules and regulations may subject an individual or group to disciplinary action.

1. Violations of law, including local, state and federal statutes, and specifically including, but not limited to: theft; unauthorized possession or storage of a weapon; and use, possession or distribution of marijuana or any controlled substances.
2. Knowingly furnishing false information to the University; forgery, alteration or use of institutional documents or instruments of identification with intent to defraud; or appropriation of institutional resources for personal advantage.
3. Intentional disruption of teaching, research, administration, disciplinary proceedings or any other institutional activity.
4. Abuse of any person.
5. Any inconsiderate behavior toward a community member or guest.
6. Engaging in disorderly conduct, lewd, indecent or obscene behavior on University property or at a University-sponsored event.
7. Any sexual assault. Sexual assault is nonconsensual sexual conduct including but not limited to: rape, sodomy, oral copulation, sexual battery (unwanted sexual touching), or penetration with a foreign object.
8. Failure to comply with the direction of University officials acting in performance of their duties.
9. Damage to University property or to non-University property being used for a University event.
10. Any activity on the façades, ledges or roofs of University facilities.
11. Launching of an object or substance from within or on a University structure or property.
12. Possession, consumption or sale of alcoholic beverages by persons under the age of 21 years on University property or at a University-sponsored event; furnishing alcoholic beverages to persons under the age of 21 years on University property or at a University-sponsored event; driving on University property while under the influence of alcohol; public display of intoxication on University property or at a University-sponsored event.
13. Presence on campus while under the influence of marijuana or any controlled substance.
14. The following violations of the Dining Service rules: (a) transfer of a meal card; (b) use of a meal card other than one's own; (c) attempting to enter dining facilities other than at designated points; (d) theft of food, utensils, supplies or any other items; (e) throwing of any object; (f) failure to return dishes and/or trays to the dish room.
15. Violations of University parking rules and regulations.
16. Violations of published rules and regulations for Residence Hall contracts and Residence Hall living.
17. Violations of any University policy listed in Section III below.
18. Hate Crimes and Bias-motivated incidents

III. UNIVERSITY POLICIES AND PROCEDURES

ACADEMIC INTEGRITY POLICY

This policy applies to all students of the University except Law students (see Honor Code below). The University is an academic institution, an instrument of learning. As such, the University is predicated on the principles of scholastic honesty. It is an academic community, all of whose members are expected to abide by ethical standards both in their conduct and in their exercise of responsibility towards other members of the community.

Academic dishonesty is an affront to the integrity of scholarship at USD and a threat to the quality of learning. To maintain its credibility and uphold its reputation the University procedures to deal with academic dishonesty should be uniform and understood by all. This document outlines the University's sanctions against cheating and the procedures by which they are implemented.

I. Academic Dishonesty

An act of academic dishonesty may be either a serious violation or an infraction. The instructor or supervisor of the academic exercise will have responsibility for determining that an act is an infraction or may be a serious violation. Serious violations are the following acts:

A. Examination Behavior. Any intentional giving or use of external assistance during an examination shall be considered a serious violation if knowingly done without express permission of the instructor giving the examination.

B. Fabrication. Any intentional falsification or invention of data, citation or other authority in an academic exercise shall be considered a serious violation, unless the fact of falsification or invention is disclosed at the time and place it is made.

C. Unauthorized Collaboration. If the supervisor of an academic exercise has stated that collaboration is not permitted, intentional collaboration between one engaged in the exercise and another shall be considered a serious violation by the one engaged in the exercise, and by the other if the other knows of the rule against collaboration.

D. Plagiarism. Any intentional passing off of another's ideas, words or work as one's own shall be considered a serious violation.

E. Misappropriation of Resource Materials. Any intentional and unauthorized taking or concealment of library or course materials shall be considered a serious violation if the purpose of the taking or concealment is to obtain exclusive use, or to deprive others of use, of such materials.

F. Unauthorized Access. Any unauthorized access of an instructor's files or computer account shall be considered a serious violation.

G. Serious Violations Defined by Instructor. Any other intentional violation of rules or policies established in writing by a course instructor or supervisor of an academic exercise is a serious violation in that course or exercise.

Infractions are the following acts:

A. Any unintentional act is an infraction that, if it were intentional, would be a serious violation.

B. Any violation of the rules or policies established for a course or academic exercise by the course instructor or supervisor of the academic exercise is an infraction in that course or exercise if such a violation would not constitute a serious violation.

II. Academic Dishonesty: Sanctions and Procedures

Academic dishonesty, and allegations of academic dishonesty, are matters of University-wide concern in the same way that academic integrity is a matter of University-wide concern. Students bear the responsibility not only for their own academic integrity but also for bringing instances of suspected academic dishonesty to the attention of the proper authorities. Members of the faculty are obligated, not only to the University but also to the students they supervise, to deal fully and fairly with instances and allegations of academic dishonesty. The University administration bears the responsibility of dealing fairly and impartially with instances and allegations of academic dishonesty.

Academic honesty begins in the course or classroom. For this reason the responsibility to insure academic honesty, and to initiate action with respect to suspected academic dishonesty, likewise begins in the course or classroom. If the instructor of a

course or supervisor of an academic exercise appears to be unable or unwilling to assure the academic integrity of the course or exercise, then those engaged in the course or exercise should bring the situation to the attention of the instructor's or supervisor's department head or dean.

The following sanctions and procedures will be followed with respect to instances and allegations of academic dishonesty as defined in Section I of the guide:

A. Initiation of Procedures. The instructor or supervisor has the initial responsibility for determining whether a person has engaged in academic dishonesty in a course or academic exercise. Therefore, information concerning possible academic dishonesty in a course or academic exercise should be brought to the attention of its instructor or supervisor. If the instructor or supervisor is unavailable, then information concerning possible academic dishonesty should be brought to the attention of the appropriate department head or dean, who will then assume the role of the instructor or supervisor in the procedures that follow.

1. When information of an act of academic dishonesty comes to his or her attention, the instructor or supervisor must undertake an investigation of the information or allegation in a manner that is reasonable under the circumstances.
2. Unless it clearly appears that there has been no dishonesty, the instructor or supervisor must contact the person who may have engaged in the dishonesty act and give that person the opportunity to deny or to explain the events with respect to which allegations of dishonesty have been made. (If the person in question is not able to be contacted or fails to respond, then the instructor or supervisor will notify the Dean who will attempt to contact the person on behalf of the instructor or supervisor.)
3. After investigation and reasonable efforts to discuss the matter with the affected person, the instructor or supervisor must determine whether (a) no act of academic dishonesty has occurred, (b) an infraction has occurred or (c) a serious violation probably has occurred.
4. The instructor or supervisor must prepare a written record of the investigation and summary of discussions with the affected person, if any, together with his or her determination made in accordance with paragraph 3 above. A copy of this record, together with any penalty imposed upon the person by the instructor or supervisor with respect to the course or academic exercise, must be made available to the affected person.

B. Sanctions Regarding Course or Exercise: Procedures Regarding Infractions. Unless the instructor or supervisor has erred in his or her determination that the affected person has engaged in an act of academic dishonesty, the instructor's or supervisor's imposition of penalty with respect to the course or academic exercise is final and unreviewable.

1. The instructor or supervisor of a course or academic exercise may impose a penalty for dishonesty with respect to the course or academic exercise, regardless of whether the affected person has engaged in an infraction or likely serious violation.
2. Penalties imposed by the instructor or supervisor with respect to a course or academic exercise may include: reduction in grade of the affected person in the course or exercise; the requirement that the affected person withdraw from the course or exercise; the requirement that all or part of the course or exercise be retaken; the requirement that the person engage in additional work in connection with the course or exercise.
3. One who has been determined by the instructor or supervisor to have committed an infraction may appeal the determination of infraction, but may not appeal the sanction imposed by the instructor or supervisor unless the determination of infraction is successfully appealed, in accordance with "Administrative Procedures" discussed below. Any such appeal must be initiated within fifteen (15) days after the notification of the determination of infraction.

C. Hearing Committee. Each allegation of serious violation, and each appeal from the determination of an infraction, will be heard by a Hearing Committee.

1. The Hearing Committee will be composed of five members of the University community, as follows:
 - a. The dean, associate dean or acting dean of the school or college with jurisdiction over the course or exercise in which the act of academic dishonesty is alleged to have occurred;
 - b. A member of the full-time faculty of the school or college with jurisdiction over the course or exercise in which the act of academic dishonesty is alleged to have occurred;
 - c. A student of the school or college with jurisdiction over the course or exercise in which the act of academic dishonesty is alleged to have occurred;

d. Two members of the full-time faculty from schools or colleges other than the school or college with jurisdiction over the course or exercise in which the act of academic dishonesty is alleged to have occurred.

2. The deans of each school or college covered by this guide, shortly after commencement of each academic year, will appoint two members of the full-time faculty and two students of that school or college to serve on Hearing Committees, with respect to allegations of academic dishonesty either in that school or college or in other schools or colleges. In making these appointments the dean may rely on recommendations made by the faculty or general student organization of that school or college.

3. No dean, faculty member or student who has a conflict of interest with respect to the subject matter of the hearing may participate as a member of the Hearing Committee. One who, having a conflict of interest is appointed to serve on a Hearing Committee, must disqualify himself or herself, after which the dean will appoint another member of the same category as the disqualified member (see section II.C.1 above) to serve on the Hearing Committee as an *ad hoc* member.

D. Administrative Procedures. The following procedures apply when (a) an instructor or supervisor has determined that a serious violation probably has occurred [section II.A.3(c) above]; or (b) one appeals from an instructor's or supervisor's determination of infraction (section II.B.3 above).

1. Administrative procedures commence upon filing written notice of their invocation with the dean of the school or college in which the course or academic exercise was given.

2. Upon request of the dean, the instructor or supervisor must promptly transmit to the dean a copy of the written record in accordance with section II.A.4 above.

3. Upon receipt of the written record, the dean will convene a Hearing Committee to hear the matter.

4. The Hearing Committee, as soon as is practicable after reviewing the record prepared by the instructor or supervisor, and after consultation (or attempted consultation) with the instructor or supervisor who has determined an infraction or alleged serious violation and with the person who is accused of having engaged in the dishonest act, will:

a. establish the procedures that are to be applied with respect to the hearing to be held and communicate those procedures to the affected persons;

b. establish the date, place and time at which a hearing before the Hearing Committee will be held or, if the hearing is to be by written presentations only, the date and place by which written presentations are to be submitted to the Hearing Committee;

c. hold a hearing date and determine whether the serious violation or infraction in fact occurred; and

d. in the event a serious violation has occurred as alleged by the instructor or supervisor, determine the appropriate sanction.

5. The hearing held before the Hearing Committee, and the deliberations of the Hearing Committee, will be closed to the public, except that the Hearing Committee has discretion to hold a public hearing at the request of the person who has been accused of having engaged in the dishonest act.

6. If the Hearing Committee determines that a serious violation has occurred, it must determine the sanction to be imposed. A sanction may be:

a. expulsion from the University;

b. suspension from the University or any or all of University rights and privileges, for a period up to one academic year, except that any such suspension may not have the effect of determining the grade received in any course;

c. letter of censure;

d. the requirement that additional courses or credits be taken as a prerequisite to graduation from the University;

e. in the event of b, c or d, imposition of a period of probation on such conditions as the Hearing Committee

considers to be appropriate.

7. If a Hearing Committee determines that no serious violation or infraction has in fact occurred, it will remand the matter to the instructor or supervisor who determined the infraction or probability of serious violation with a request that the instructor or supervisor take further action with respect to the course or exercise that is consistent with the Hearing Committee's determination.

8. The Hearing Committee must prepare a written record of the proceedings, including a summary of the procedures for hearing that it has established, a summary of the information submitted to it by interested persons and its decision in accordance with sections II.D.4.c and d above, together with any dissenting opinions and any other material the Hearing Committee deems appropriate to include. A copy of this record, together with any sanction imposed upon the person by the Hearing Committee, must be made available to (a) the affected person, (b) the affected instructor or supervisor, (c) the dean of the school or college with jurisdiction over the course or academic exercise involved, and (d) the President and Provost of the University.

9. In the event the Hearing Committee determines that expulsion is the appropriate sanction, or in the event of two dissenting votes on the Hearing Committee, the person who is adversely affected by the Hearing Committee's decision may appeal that decision to the Provost, who may finally determine the matter in the exercise of sound discretion.

ACADEMIC STANDARDS FOR PARTICIPATING IN EXTRA-CURRICULAR ACTIVITIES

In order to serve in a position on the Associated Students Executive Board, Senate, or in an appointed Directorship, a student must be a full-time undergraduate student who has achieved and is maintaining a full-time academic load and a minimum 2.5 GPA.

AIDS & RELATED CONDITIONS

Acquired Immunodeficiency Syndrome (AIDS) has been identified as a deadly disease in the general population of the United States. AIDS-Related Complex (ARC) has been isolated as a lesser form of AIDS which may or may not progress into a full case of AIDS. HIV, which is the AIDS virus, infects still other apparently healthy individuals who may never contract AIDS, yet are capable of infecting others.

AIDS and these related conditions make it necessary for the University of San Diego to have a policy that can be employed to respond to the needs for educating the University community about AIDS and for responding to known occurrences of the disease or its related conditions among community members.

To respond to the AIDS disease the University of San Diego establishes the following policy:

A. A Committee on AIDS will be designated to become educated on the medical, legal, pastoral, personal-communal and ethical-moral issues associated with AIDS and related conditions. This committee is responsible for becoming knowledgeable about AIDS and maintaining contact with all sectors of the University community that may be impacted by the incidence of AIDS or related conditions. A member of the committee will be designated to remain current on all AIDS information and keep the committee and appropriate University sectors informed.

B. A community-wide educational program will be established to improve awareness of the medical facts about the disease and of the responsible means for deterrence and control of its occurrence. To achieve this purpose the educational program will provide the best available medical and scientific information about the disease. It will offer a clear presentation of Catholic moral teaching with respect to human intimacy and sexuality emphasizing abstinence and fidelity to monogamous marital relations as the best and surest way of halting the spread of the disease. It will include a sensitivity to the pluralism of values and attitudes in our society regarding prevention. It will examine the spiritual and pastoral implications for support of those affected by the illness. Finally, it will promote an attitude of compassion for persons with AIDS and of vigilance against discrimination or violence of any kind. This educational program is intended to inform all sectors of the University community including resident students, commuters, graduate students, faculty, staff, administration, trustees and interested alumni/ae.

C. As a case of AIDS or related conditions is identified, it will be evaluated by the Committee on AIDS, or sub-committee thereof, on the circumstances unique to its incidence. The identity of the individual will not be revealed. Determination of University response to each case will be made on principles of flexibility, sensitivity, simplicity and careful concern for the welfare of both the individual involved and the larger University community. Decisions about University response will be the result of thorough evaluation of each separate case of AIDS or related conditions.

D. Membership of the Committee on AIDS shall be the Vice President for Student Affairs who will chair the committee,

the Director of Human Resources, the Director of the Health Center, the Director of Residence Life, the Director of University Ministry, the Dean of the Nursing School, a Counseling Center psychologist, two faculty members and two students.

E. Persons receiving and discussing information about potential victims of AIDS should be sensitive about the reputations and rights of all parties involved.

The University of San Diego's policy on AIDS and related conditions is established on the foundation of Catholic wisdom that guides the affairs of the community in all its activity.

ALCOHOL POLICY

A. All students of the University of San Diego and their guests and visitors are subject to California State Law and the University of San Diego's Alcohol Policy regarding possession and consumption of alcohol.

B. Possession and consumption of alcohol is permitted by persons 21 years of age or older ONLY in private rooms within University Residence Halls, where at least one assigned resident is 21 years of age or older, except as noted below. Possession, consumption and storage of alcohol is PROHIBITED in all common areas, eg. lobbies, public lounges, hallways, stairwells, common bathrooms, landings, common kitchens, balconies, patios, closets or outdoor areas.

C. Furnishing alcohol to a person under the age of 21 years on University property or at a University-sponsored event is prohibited.

D. NO possession or consumption of alcohol is permitted by anyone in private residence rooms, within University Residence Halls, where all of the assigned residents are UNDER 21 years of age.

E. No possession or consumption of alcohol is permitted in the Camino/Founders or Maher Residence Halls.

F. In a room where alcohol consumption is permitted, no more than six (6) guests, 21 years of age or older, may be present while alcohol is being consumed, and NO guests under 21 years of age may be present in the room while alcohol is being consumed. When alcohol is being consumed all room doors must be closed.

G. Movement between residence rooms where alcohol consumption is permitted, with any type of receptacle containing alcohol, is prohibited.

H. Public display of intoxication while on University property or at a University-sponsored event is prohibited.

I. Establishment of a private bar, storage of excessive quantities of alcohol or possession and/or use of a tap or keg is PROHIBITED in ALL Residence Hall areas.

J. Compliance with all requests by Residence Life or Public Safety personnel for proof of 21-year-old status is required, and failure to comply with such a request will subject an individual to serious disciplinary sanctions up to and including expulsion from the University.

K. Driving on University property while under the influence of alcohol is prohibited.

Under special circumstances, granted by the Vice President for Student Affairs/Dean of Students or his/her designee, in advance of a function, permission for alcohol consumption may be granted if:

A. The event is sponsored by a registered campus organization and violations of the University Alcohol Policy are the responsibility of the individual and the sponsoring organization(s) or its representatives.

B. The facility being utilized is to be scheduled through the Office of Special Events.

C. The sponsoring organization(s) and its representative(s) establish and maintain strict controls for the events and will ensure that no minors consume, are served or transport to the facility or area alcoholic beverages.

D. The event shall be considered a closed function open to the members of the sponsoring group and their invited guests ONLY.

E. Required administrative methods will be followed and forms completed.

The Associated Students and the Office of Student Affairs will not allocate funds to student organizations for off-campus events where alcohol is served, with the exception of instances where a proprietor with a liquor license assumes full responsibility for the selling, dispensing and control of any alcohol available to guests or participants at the event.

ANIMALS ON CAMPUS

No animals of any kind are permitted within University buildings at any time. The only exception to this shall be dogs for the vision- and hearing-impaired accompanied by their owners. Any domestic animals on University grounds must be on a leash, and the owner must remain with the animal at all times.

APPROVAL OR REGISTRATION OF AND/OR SERVICE TO A GROUP

A. Educational Mission of USD

The University of San Diego is committed to the task of creating and maintaining an environment in which its members may pursue their individual development with freedom. As a Catholic institution the University of San Diego subscribes to the principle that the full development of the human personality can be accomplished only by the recognition of an objective moral order. While this places no obligation on community members with regard to their personal beliefs or religious practices, it does require of its members a tolerance and respect for Catholic beliefs and practices. While committed to the Catholic tradition, the University is also committed to academic freedom. The freedom essential to a community of scholars does not grant any individual or group, whether a member of this community or not, the license to conduct themselves in a manner that obstructs the University's defined identity and purpose.

B. University Approval of Student Government Organizations

University approval is granted to student government organizations whose leadership is elected by a student vote. These approved organizations become the official representative groups for undergraduates, graduates or law students. Student government organizations are allowed to assess fees to sustain their activities within the guidelines established by the University. Student government organizations are the only organizations which are officially approved by the University.

C. Registration of Student Organizations

Student organizations are allowed to organize and register, and subsequently receive the tangible benefits outlined in section D. These organizations may **not** describe themselves as approved by the University.

Organizations wishing to be registered with the appropriate student government will meet the following criteria:

1. The purpose of the organizations is legal.
2. Activities to be engaged in conform to University rules and regulations.
3. Activities to be engaged in are compatible with the educational goals of the University.
4. Activities to be engaged in are consistent with the moral and social teaching of the Roman Catholic Church and tradition of the University. (If there is a question about conformity with this criterion, the Vice President for Student Affairs or his/her designee will decide the matter.)

D. Tangible University Benefits Granted When Student Organizations are Registered

1. Authorization to use the name, logo and/or facsimile of the seal of the University of San Diego after determination that such usage will not suggest approval by the University or constitute a violation of any provision of this policy;
2. Eligibility to use student or University media for advertising or dissemination of information;
3. Eligibility to set up or provide information at random or established locations on campus, either by display or by disseminating information;
4. Eligibility to use University administrative processes such as computer hardware or software, or mailing systems;
5. Authorization to reserve University space, services or equipment;
6. Eligibility for proportional representation in student government where appropriate;
7. Eligibility to seek authorization to raise funds, develop a program or sponsor an occasion to arouse awareness about a particular cause or utilize University communication processes to offer information about a particular cause, but only after determination that such authorization will not suggest approval by the University or constitute a violation of any provision of this

policy;

8. Eligibility for other services provided by the University as determined by the Vice President for Student Affairs/Dean of Students or his/her designee.

E. Procedures for Obtaining University Registration of an Organization

1. Application for registration to receive tangible University benefits is made through established channels of approved student governments, with notification to the Vice President for Student Affairs.

2. Questions about conformity to criteria listed in section C and availability of tangible benefits listed in section D are resolved in consultation with or by the Vice President for Student Affairs/Dean of Students or his/her designee.

3. Yearly re-application for registration to receive tangible University benefits is made through established review criteria of approved student governments.

4. Review of registered associations status may be required upon request of one of the student governments or the Vice President for Student Affairs/Dean of Students or his/her designee.

F. Groups which choose to exist informally and not become registered organizations are subject to basic standards of behavior. Those standards include but are not limited to:

1. The group must be open, honest and clear about its purpose and goals for the organization in all of its advertising and publicity. The University reserves the right to inform community members of groups for which there is reasonable concern.

2. If the group represents a particular religious view it must be in accord with Section C, paragraph 4 preceding. In addition, the following criteria must be met:

a. There will be no proselytization of any member of the University community.

b. There will be no denigration nor harassment permitted of any individual, group or organization of the University community.

G. Failure to Comply With a Decision about Obtaining Registered Status

The University reserves the right to impose internal sanction or seek external relief for failure of a group to comply with the policy outlined above.

Students are advised to refer to the Student Organizations Handbook and Greek Guidelines for additional policies and procedures.

ASSEMBLY

Assembly on campus shall be guided by the following directions:

The right of peaceful assembly is granted to all students. The University retains the right to assure the safety of individuals, the protection of property and the continuity of the educational process.

Peaceful assembly is allowed on campus provided that proper permission has been obtained from the Vice President for Student Affairs/Dean of Students or his/her designee, and the participants are aware they may not:

A. Deny the use of University or private facilities to students, faculty, staff or guests of the University.

B. Interrupt academic activities.

C. Endanger the safety of any person on the campus.

D. Destroy property.

E. Deny or infringe on the rights of non-participating students, faculty, staff or guests of the University community.

COMMUNICATION OFF CAMPUS

Any student communication to be sent to the off-campus community on University letterhead or containing the University logo must have the written approval of the appropriate advisor from the Office of Student Affairs prior to printing and mailing.

CONTAGIOUS AND/OR INFECTIOUS ILLNESS

At the time information becomes available about a potential for contagious and/or infectious illness in the University community, the Vice President for Student Affairs/Dean of Students or his/her designee will confer with University medical personnel and designated governmental agencies to determine appropriate University action.

CORPORATE SPONSORSHIP

Solicitations for corporate sponsorship for University events or projects by any student groups or individuals must be reviewed and upon review must meet with the approval of the Vice President for Student Affairs/Dean of Students or his/her designee prior to contact with potential corporate sponsor(s).

DISTRIBUTION OF INFORMATION

Non-commercial written material, in accord with University values, may be distributed at any common location on campus, provided the distribution does not interfere with normal University functioning or occur in University Residence areas. Prior written approval of the Vice President for Student Affairs/Dean of Students or his/her designee is required. *(See below.)

DISTRIBUTION, PROMOTION OR SALE OF COMMERCIAL PRODUCTS

Commercial products or literature may be distributed, promoted or sold at designated areas on campus as established by the Vice President for Student Affairs/Dean of Students or his/her designee. Individuals or groups wishing to promote or sell commercial products or literature on University property must secure the prior written approval of the Vice President for Student Affairs/Dean of Students or his/her designee. *(See below.)

DISTRIBUTION, PROMOTION OR SALE OF STUDENT PRODUCTS

Student products or literature, regardless of origin, may be distributed, promoted or sold at designated areas on campus as established by the Vice President for Student Affairs/Dean of Students or his/her designee. Those individuals or groups wishing to distribute, promote or sell student products or literature must secure the prior written permission of the Vice President for Student Affairs/Dean of Students or his/her designee. *(See below.)

***Additional provisions regarding the three sections above may be found in the Approval or Registration of and/or Service to a Group Policy.**

FUNDRAISING

Student organizations and individuals wishing to raise funds must obtain approval from the appropriate student government group and the Vice President for Student Affairs/Dean of Students or his/her designee. Permission for all fundraising activities is extended only to members of the USD community. Student organizations or individuals wishing to raise funds are subject to the provisions of the Approval or Registration of and/or Service to a Group policy.

GRADE GRIEVANCE PROCEDURE

Preface to Procedure:

A. The instructor's/professor's judgment is presumed to be correct. Therefore,

1. The burden of qualifying a grievance rests with the student. Thus, at every level in the proposed grievance procedure this 'presumption' should be understood by all participants.

2. It is assumed that grievances will be resolved by the instructor and student.

B. Grading criteria, requirements, content, etc., are established by the instructor. The presumption is that students have been given ample opportunity for clarification of class requirements at the beginning of a given course. The student must frame any grievance by reference to a specific or several specific evaluative measures.

Grade Grievance Procedure: *

- A. Initial grade grievance must be addressed to the instructor in the course.
 - B. In those rare instances when no agreement is reached in A, the student may seek advice from the departmental chair.
 - C. If the matter is not satisfactorily settled at B, the student then may seek advice from the Dean who will refer the matter to a standing faculty committee (i.e., Academic Affairs).
 - D. The committee will hear the student's grievance and make its recommendation to the parties involved.
- * At every level in this grievance procedure the instructor must be apprised of the situation.

HARASSMENT POLICY

The University is committed to and embraces the doctrine that all men and women are creatures of God. Each and all not only deserve but must be afforded the dignity that necessarily follows from acceptance of that doctrine. Anyone who chooses to become a member of or participate in any way in the University community, whether as a student, faculty member, administrator, employee or guest, is expected to accept this standard of conduct, both in theory and in practice.

The University is committed not to tolerate harassment in any form by reason of the race, color, religion, gender, national origin, age, disability or sexual orientation of any person. Violation of this policy will be dealt with by appropriate sanctions, which may include expulsion, suspension, termination or exclusion from the campus.

HATE CRIMES/BIAS-MOTIVATED INCIDENTS:

Hate crimes are acts of physical force, threats or intimidation that are willfully or knowingly committed because of the victim's actual or perceived race, color, religion, ancestry, national origin, disability, gender or sexual orientation. Hate crimes are expressed in several ways, sometimes physical violence and sometimes violence against property. Violence against property includes, for example, breaking windows of religious institutions, spray painting walls with offensive words and symbols, defacing or burning property. Hate-based behavior includes, for example, anonymous phone calls, threatening letters, interruptions of religious services or multicultural events. (California State Penal Code Section 422.6)

A "bias-motivated incident" is an act, such as disseminating racist flyers or defacing a student organization flyer, which does not violate the State Penal Code but originates in hatred for someone's actual or perceived race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

The University will not tolerate hate crimes or bias-motivated incidents and will respond to them with appropriate sanctions which may include expulsion, suspension or exclusion from the campus.

HAZING

Whether on or off campus and planned or spontaneous, California Law makes it a criminal offense for anyone to participate in hazing. Students are entitled to be treated with consideration and respect. No individual shall perform an act that is likely to cause physical, psychological or social harm to any other person within the University community. Initiations and similar activities should be designed to instill group spirit and loyalty, but not at the expense of the individual involved.

"Hazing includes any method of initiations or pre-initiation into a student organization or any pastime or amusement engaged in with respect to such an organization which causes, or is likely to cause, bodily danger, physical harm or personal degradation or disgrace resulting in physical or mental harm to any student or other person attending any school, community college, college, university or other educational institution in this state.... (further on)...No student, or other person in attendance at any public, private, parochial or military school, community college, college or other educational institution shall conspire to engage in hazing, participate in hazing or commit any act that causes or is likely to cause bodily danger, etc." (From Article 5, Sections 32050 & 32051, of the California Education Code.)

HONOR CODE (LAW SCHOOL)

The Law School has a separate Honor Code, copies of which may be picked up in the Law School Dean's Office.

NON-DISCRIMINATION

The University prohibits discrimination against current or prospective students and employees on the basis of race, color, sex, religion, national origin, age, disability, sexual orientation, or any other legally protected characteristic. The University does not by this non-discrimination statement disclaim any right it might otherwise have to maintain its commitment to its Catholic identity or the doctrines of the Catholic Church.

It is the policy of the University to employ and promote personnel regardless of the foregoing characteristics, unless one or more of them are a *bona fide* requirement of a particular position. The University of San Diego is firmly committed to a policy of equal opportunity in all aspects of employee relations, including employment, salary administration, employee development, promotion and transfer.

In compliance with the Family Education Rights & Privacy Act of 1974, as amended (Appendix B), the University provides students with the opportunity to review their academic records, to seek appropriate correction of information contained in those records and to file complaints concerning alleged failures.

I. Names and Addresses of Grievance Coordinators:

The following individuals may be consulted by students when grievances occur:

Student Services:

Vice President for Student Affairs/Dean of Students

Office: University Center, Room 232

Phone: (619) 260-4588

Admissions:

Provost

Office: Hughes Center, Room 328

Phone: (619) 260-4553

Facilities Management:

Director of Facilities Management

Office: Facilities Management Building, Room 103B

Phone: (619) 260-4666

Academic Matters:

Dean of the College of Arts & Sciences

Office: Founders Hall, Room 114

Phone: (619) 260-4545

Dean of the School of Business

Office: Olin Hall, Room 343

Phone: (619) 260-4888

Dean of the School of Nursing

Office: Hahn Hall, Room 211

Phone: (619) 260-4600, x. 4219

Dean of the School of Education

Office: Harmon Hall, Room 118

Phone: (619) 260-4540

Dean of the School of Law

Office: Warren Hall, Room 200A

Phone: (619) 260-4527

II. Internal Discrimination Complaint Procedure for Students and Applicants for Admission

A. Definition

The procedure provides a means for resolving complaints by students and/or applicants for admission who believe they have been adversely affected by illegal discrimination by the University, or its students or employees. Complaints may be brought under this procedure for discrimination based on race, color, national origin, sex (including sexual harassment), disability or age.

B. Filing a Discrimination Complaint

1. Informal. If a student/applicant desires, prior to filing a formal complaint under this procedure, he/she may attempt to resolve the problem through informal discussions with the person alleged to be responsible for the discriminatory action and/or that person's supervisor or department head.

2. Formal

a. A student, part- or full-time, and/or applicant for admission who alleges that discrimination has occurred, may file a complaint by contacting the designee of the Vice President for Student Affairs/ Dean of Students. This responsible official will accept complaint filings within 60 days of the occurrence of the alleged discriminatory event.

b. The designee of the Vice President for Student Affairs/ Dean of Students will, within twenty (20) days from receipt of the complaint:

(1) conduct a fact-finding investigation which will include at a minimum a review of evidence and interviews with appropriate students and/or staff;

(2) issue a written finding to the complainant.

c. A complainant who is not satisfied with the initial finding may appeal this finding within ten (10) days of the receipt of the finding.

C. University Appeal Process

1. The complainant has ten (10) days from the date of receipt of the initial finding to present, in writing, an appeal of such finding to:

a. Vice President for Student Affairs: for non-academic issues;

b. Dean or Director in charge of area: for academic or academic-related issues.

2. Academic or Academic-Related Issues. The Dean or Director will, within twenty (20) days of the filing of the appeal, review the initial finding, conduct a further investigation if deemed necessary and issue a written finding to the complainant.

If the complainant is unsatisfied with the finding of the Dean or Director, he/she may within ten (10) days of the receipt of such a finding, appeal to the Academic Vice President/Provost of the University, who will, within twenty (20) days of the filing of the appeal, review the finding, investigate further if deemed necessary and issue a written finding to the complainant. The decision of the Academic Vice President/Provost is the final internal appeal.

3. Non-Academic Issues. The Vice President for Student Affairs will, within twenty (20) days of the filing of the appeal, review the initial finding, conduct a further investigation if deemed necessary and issue a written finding to the complainant. The decision of the Vice President for Student Affairs is the final internal appeal.

D. Maintenance of Documentation

Documentation resulting from each level in the Discrimination Procedure will be forwarded to and maintained by the appropriate Vice President's office. Such records are not to be maintained with or considered as a part of a student record.

E. Right to Representation

A complainant may be represented by another person at any stage of a complaint filed under this Discrimination Complaint Procedure.

F. Confidentiality of Proceedings

Every effort will be made by the University to protect the confidentiality of the parties during the processing of complaints under this procedure.

G. Retaliation Prohibited

It is the policy of the University that no individual may be subjected to retaliation, harassment, intimidation or discrimination because he/she has filed a complaint under this procedure or participated in a complaint investigation or appeal.

H. Filing Instructions

Applicants for admission and students at the University may file discrimination complaints with the designee of the Vice President for Student Affairs/Dean of Students at the following address:

University of San Diego
5998 Alcalá Park
San Diego, California 92110
Telephone: (619) 260-4588

III. External Appeal

Students wishing to pursue a civil rights complaint beyond the University level should direct their inquiries to:

Office for Civil Rights
U. S. Department of Education
Old Federal Building, Room 239
50 United Nations Plaza
San Francisco, California 94102-4102
Telephone: (415) 437-7700

PARKING

An official University parking permit must be displayed at designated locations on the vehicles of University students, staff, administrators and visitors.

POSTERS & PUBLICITY

Members and non-members of the University community may post notices on the campus. All notices are subject to the following regulations:

A. Posting of promotional materials is allowed on designated bulletin boards only. Posting is not allowed on departmental bulletin boards, cars, walls, windows, doors or glass cases.

B. No commercial or private organization may post, exhibit or distribute literature on campus without approval from the Office of Special Events.

C. Promotional materials, i.e., banners, posters and flyers, are allowed only for events which have been approved by the appropriate student government or sanctioned by the Office of Student Affairs, or any other office of the University.

D. Posting shall be limited to one flyer, poster or banner per location. Exceptions must be approved by the Office of Special Events.

E. All posters shall clearly indicate the name of the sponsoring person or organization.

F. All posted materials must be removed within 24 hours after the completion of the event.

G. Only events sponsored by officially approved or registered student organizations or University departments are allowed to publicize in banner form. (A list of posting locations is available in the Campus Scheduling Office.)

H. All materials must be dated.

I. Personal notices may be posted in specifically designated areas only. They must bear the name, address and phone number of the person posting them and are subject to removal after thirty (30) days.

J. Posting of obscene, libelous or seditious material or material incompatible with the educational goals of the University is prohibited.

K. Posted materials not conforming to these regulations may be removed. Consistent violations may result in the suspension of posting privileges.

PUBLICATIONS

A. Newspapers, newsletters, yearbooks or any other publications by registered graduate or undergraduate student associations are subject to the direction and supervision of assigned University administrative personnel. Any publication not produced by a registered student association is subject to the provisions of the Distribution of Information policy above.

B. The student press shall be free of unnecessary institutional or student association control. Publication staff shall not be arbitrarily disciplined as a result of student, administrative, faculty, alumni or community disapproval of editorial policy or content.

C. It shall be clearly stated in all student publications that the opinions expressed therein are not necessarily those of the University of San Diego or of its Student Body.

D. Student publication responsibilities include:

1. Maintaining sufficient levels of journalistic integrity with regard to verification of facts prior to publication. That is:

a. Identify all writers and sources of information and make such information available to the Advisors, upon request. When published, identity may be withheld upon request of the writer or source.

b. Refuse publication of any information if the writer or source has not been identified.

c. Refuse publication of material which is libelous, seditious, obscene, unidentified or incompatible with the educational goals of the University of San Diego as set forth in the Preamble to the Student Code of Rights & Responsibilities.

d. Possess a sufficient understanding of an article's implications prior to publication.

2. Writing in accordance with accepted principles of English composition.

E. The official undergraduate publication of the Associated Students of the University of San Diego is the VISTA, which is published by the University of San Diego.

1. The VISTA shall have three Advisors: an Administrative Advisor responsible for review of the paper's content, appointed by the Vice President for Student Affairs/Dean of Students; an Operations Advisor responsible for operation of the paper, appointed by the Vice President for Student Affairs/Dean of Students; and a Faculty Advisor responsible for journalistic development of the student staff, appointed by the chairperson of the Department of Communication Studies, College of Arts and Sciences.

2. The VISTA Editor-in-Chief shall be a full-time undergraduate student who has achieved and is maintaining a full-time academic load and a 2.5 GPA, and has been selected and approved according to the process as set below in this Code.

3. VISTA Editor-in-Chief Selection Process:

- a. The following individuals will participate in the selection of the Editor-in-Chief: AS President or designee; AS Vice President of Relations; AS Senator (appointed by the AS President); outgoing VISTA Editor; outgoing Director of Finance; at-large VISTA member (appointed by the Editor); Administrative Advisor; Operations Advisor; Faculty Advisor; and Communication Studies faculty member (appointed by the chairperson of the department).
 - b. Each individual shall have one vote in the selection process. The candidate receiving the majority of votes will become the new Editor-in-Chief.
 - c. The process shall be completed not later than twenty-five (25) days before Spring Commencement each year.
4. The Editor-in-Chief shall, with the Administrative Advisor, establish and adhere to a format for regular review of VISTA content and form prior to an issue's publication. In the event of a disagreement with the Administrative Advisor's decision on the content of a story or advertisement, the Editor shall request a meeting with the Vice President for Student Affairs/Dean of Students or his/her designee to appeal the Advisor's decision.
5. Appeals shall follow the following procedures:
- a. The Administrative Advisor and VISTA Editor-in-Chief make a statement to the Vice President for Student Affairs/Dean of Students or his/her designee on the issue in question.
 - b. The Vice President for Student Affairs/Dean of Students or his/her designee examines the respective positions, consults "expert" sources on the matter in question, as is necessary, and issues a statement on the dispute.
 - c. The decision by the Vice President for Student Affairs/Dean of Students or his/her designee shall be final.
6. VISTA Editorial Staff Status:
- a. The VISTA Editor-in-Chief shall serve a term of one year. The Editor may apply for a second term per the application process outlined in the VISTA Student Publication Board Charter.
 - b. Section Editors shall be appointed on a yearly basis at the discretion of the Editor-in-Chief.

For further information please refer to the VISTA Student Publication Board Charter, revised July, 1996.

RESEARCH/PROTECTION OF HUMAN SUBJECTS

The University of San Diego accepts its responsibility to safeguard the rights and welfare of human subjects involved in all research projects conducted at this University either a) under the direction of any employee or agent of this University in connection with his/her institutional responsibilities, or b) through research conducted at the University of San Diego by an outside agent. It is recognized that the establishment and maintenance of acceptable ethical practice remains the primary responsibility of the individual investigator who is responsible for collaborators, assistants, employees and students, all of whom incur parallel obligations.

Further information on the Policy on the Research/Protection of Human Subjects may be obtained from the Committee on the Protection of Human Subjects.

SEXUAL ASSAULT PROTOCOL

Introduction

The University of San Diego seeks to provide a consistent, caring and timely response when sexual assaults occur within the University community. These procedures were created to do the following:

- Facilitate the recovery of a sexual assault victim by providing prompt and compassionate support services.

- Create a campus environment which both expedites and encourages the prompt reporting of sexual assaults against students.
- Facilitate the apprehension of assailants when such crimes are committed and processing of cases through the campus judicial system.
- Establish and cultivate community involvement in rape prevention.

Definitions

A. The legal definition of RAPE in California

Excerpts form Section 261 of the California Penal Code: Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator under any of the following circumstances:

1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
2. Where it is accomplished against a person's will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the person of another.
3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known or reasonably should have been known by the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused.
5. Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense or concealment practiced by the accused, with the intent to induce the belief.
6. Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.

California law also states that "any sexual penetration, however slight, is sufficient to complete the crime" (Code 263) and defines marital rape (Code 262) and "statutory rape" (Code 261.5).

Though laws vary from state to state, intercourse in which consent was not obtained or was obtained under coercive conditions will usually be considered rape.

B. The use of the word "victim" rather than "survivor" was used because immediately post-assault, the victim of a rape has survived only in the physical sense.

The complete protocol can be obtained from the Office of Student Affairs. The protocol contains the following information:

- Steps to take should a sex offense occur
- Deciding whether to report
- Resources for victims of sexual assault
- Education and prevention

SEXUAL HARASSMENT

Sexual harassment is prohibited. The provisions of that prohibition include:

The University of San Diego prohibits sexual harassment of its students, employees and those who seek to join the campus community in any capacity. The officers and employees of the University are responsible for maintaining a working and learning environment free from such harassment. Persons receiving and discussing allegations of sexual harassment should be sensitive to the needs and rights of complainants and accused alike, and should explore with complainants the full ramifications of their

allegations.

Sexual harassment includes such behavior as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature directed towards an employee, student or applicant, particularly when one or more of the following circumstances is/are present:

- A. toleration of the conduct is an explicit or implicit term or condition of employment, admission or academic evaluation;
- B. submission to or rejection of such conduct is used as a basis for a personnel decision or academic evaluation affecting such individual;
- C. the conduct has the purpose or effect of interfering with an individual's work performance or a student's academic performance, or of creating an intimidating, hostile or offensive working or learning environment.

This definition accords with the Equal Employment Opportunity Commission's regulations on sexual harassment.

Emphasis is placed on informal procedures as the framework for resolving allegations of sexual harassment. If such procedures are ineffective, existing disciplinary and grievance procedures shall be utilized. For example, if the accused is a student, and the grievance is found to be substantive, then the University disciplinary process outlined in Sections IV and V below may be implemented to adjudicate the problem.

Persons designated to receive allegations of sexual harassment at the University of San Diego are:

For students:

- Deans of the respective Schools/College
- Vice President for Student Affairs/Dean of Students
- Academic Vice President & Provost

For professional personnel:

- Deans of the respective Schools/College
- Academic Vice President & Provost

For staff personnel:

- Vice President for Finance and Administration
- Director of Human Resources

SMOKING

In compliance with the City of San Diego's no smoking ordinance, it is the policy of the University of San Diego to prohibit smoking in public places and places of employment within its facilities except in designated smoking areas. Further information on the Smoking Policy can be found in University guidelines at the Human Resources Office.

SPEAKERS, PRESENTATIONS & PERFORMANCES

As part of its effort to help members of the University community make informed, responsible decisions in the political, social, professional and personal aspects of their lives, the University of San Diego encourages the hosting of speakers and programs from outside of the campus. The following policy pertains to the invitation of off-campus persons who will make presentations at the University of San Diego to which the public has been invited. The intent of this policy is to provide a broad exposure to a diversity of issues and perspectives, and to ensure that all members of the University community engage those issues and perspectives in a manner consistent with the mission and goals of the University.

- A. As members of the academic community, students, faculty, administration and staff should be free to discuss questions of interest to them and to invite non-University speakers of their choosing.

B. Sponsorship of off-campus speakers is restricted to academic departments, the administration and officially registered student and staff organizations.

C. The reservation of University facilities for guest speakers is required to ensure that there is orderly scheduling of facilities and adequate preparation for the events, and that the occasion is conducted in a manner appropriate to an academic community. The University's control of campus facilities will not be used as a device of censorship. Reservation of facilities must be made on the appropriate form. [See Appendix C, Request for Guest Public Speaker(s).]

D. The sponsorship of guest speakers does not imply that the sponsoring organization or the University approves or endorses the views expressed. The sponsoring organization must make this position clear to the academic and larger community.

E. This policy and procedure does not apply: to speakers invited by faculty to address students enrolled in a course they are teaching; to internal faculty, student and/or staff seminars, workshops or colloquia.

STUDENT PRIVACY

Students shall be granted privacy according to the following guidelines:

A. No consent is implied or conferred on civil or University authorities to search a student's Residence area by the signing of the Residence Hall contract.

B. When need arises to gain access to a Residence area to determine compliance with multiple dwelling unit laws, permission must be obtained from the Director of Residence Life or the Director of Housing.

C. When need arises for repairs, safety reasons or evaluation for scheduling maintenance or any other improvement reason, the designated University personnel may enter a Residence area only after reasonable notice to the occupant(s).

D. When an emergency arises in a Residence area and causes reasonable concern that there is imminent danger to life, safety, health or property, entry may be made without notice.

E. Campus residence rooms or student property may be searched only after presentation of evidence to the Vice President for Student Affairs/Dean of Students or his/her designee that there is probable cause that University regulations are being broken or a potentially dangerous situation is imminent. If the Vice President for Student Affairs/Dean of Students or his/her designee approve the search, it will be carried out by a designated University administrator, another Student Affairs staff member and, if possible, the student under suspicion.

F. The University reserves the right to make periodic sight checks of resident living space for the purpose of securing compliance with the regulations of the University or California State Law.

G. On the occasions when law enforcement officers, in pursuit of their duties, must enter Residence areas, the entry will be carried out with prior notice to Residence Life Staff and in the presence of Residence Life Staff and University Security Staff.

H. The University reserves the right to move and store a person's possessions which have been left unclaimed and occupy a space that must be used by the University. The integrity of the possessions is not guaranteed while in storage. Items left longer than one year will be disposed of by the University.

STUDENT RECORDS

Student records shall be protected on the following basis:

The privacy and confidentiality of all student records shall be ensured. Separate files shall be maintained in the following areas of student life: academic records including supporting or general informational documentation of an educational nature; non-academic disciplinary proceedings records; medical or psychiatric records; and financial aid records. No entry or placement of a document may be made in a student's academic file without actual notice to the student. Publication of grades, announcement of honors or issuance of a letter on a student's academic status constitute notice.

Additional provisions of the statutes on student records is contained in the full text of the Family Education Rights & Privacy Act of 1974 (Appendix B).

TRESPASSING

Any person not a member of the USD community loitering on

campus, attending a University-sponsored event for community members only or trespassing on University property will be asked to leave. At times when University-sponsored events are open to the public, the privilege of attending an activity and being on University property may be revoked at any time by a University official. Guests of USD community members who violate University rules or violate reasonable behavior considerations will be required to leave. Refusal to leave the campus after being asked to do so may subject the person to arrest per Section 602 of the California Penal Code (Trespassing).

USE OF UNIVERSITY FACILITIES

A. General Statement

All University facilities are generally available to all segments of the University community for University-related uses. The University likewise leases its facilities at times to outside organizations and groups. (See University Policy and Procedure Manual for Sponsorship Policy [4.0.2, section 5].)

Priority established in the event of a scheduling conflict is as follows:

1. Academic use
2. Administration, faculty and student-sponsored events
3. University-sponsored events involving outside persons (co-sponsorship)
4. Rental of facilities to outside organizations

B. Scheduling

1. All scheduling is done directly through the Campus Scheduling Office, with the following exceptions:

- a. Classrooms and facilities for academic use are scheduled through the College of Arts & Sciences and the Schools of Business, Education, Law and Nursing.
- b. Facilities at the School of Law are scheduled by the Dean's Office in the School of Law.
- c. Facilities at the Manchester Conference Center are scheduled by the Manchester Conference Center with the approval of the Director of Continuing Education.
- d. Facilities at the Camino Performing Arts Center or Sacred Heart Hall are scheduled with the approval of the chairperson, Department of Fine Arts.
- e. Faculty Lounges are scheduled through the Dean of the appropriate school and are not available for exclusive use at times when classes are in session.
- f. Facilities at the Media Center are scheduled through the Media Center.
- g. Athletic facilities are scheduled through the Athletics Department.

Co-sponsored, external and student organizations should contact the Campus Scheduling Office for all of their scheduling needs. Where appropriate, the Reservations Coordinator may refer the parties to Manchester Conference Center.

2. Priority Uses:

In the event of a scheduling conflict the following are priorities for use of specific University facilities:

- a. French Parlor
 - 1) Administration and faculty-sponsored receptions.
 - 2) Music recitals sponsored by the USD Music Area, Department of Fine Arts.

- 3) Faculty-sponsored exhibits.
- 4) Non-University events approved by the President.

NOTE: No luncheons, dinners or other catered events are to be held in this room without specific approval of the President of the University upon recommendation of the Director of Special Events.

b. Manchester Conference Center

Priorities regarding Manchester Conference Center can be obtained from the Director of Continuing Education.

c. School of Nursing

Although scheduled through Special Events, use of the School of Nursing facilities requires approval of the Dean. Special Events will obtain this approval before scheduling any room in the School of Nursing.

d. University Center

- 1) Student Dining and University Community Dining.
- 2) All-University functions. These functions are defined as University-sponsored programs which have to do directly with the educational mission of the University and which involve several departments of the University.
- 3) Student activities sponsored by AS officers and directors and by officially registered student organizations.
- 4) Activities sponsored by other University departments.
- 5) Off-campus groups approved by the Director of the University Center.

e. University Center Faculty/Staff Dining Room

- 1) Will be used for faculty dining from 10:00 a.m. until 3:00 p.m. when classes are in session.
- 2) Is available for campus-sponsored events prior to 10:00 a.m. and after 3:00 p.m.
- 3) Will be used only in two configurations: "as is" and "receptions set-up". At no time are furnishings to be removed from this room.

f. University Center Main Dining Room

- 1) Is used for student dining during scheduled hours.
- 2) Is available for catered events only at times not scheduled for student dining.
- 3) Use of the Main Dining Room or of the Main Dining Room and Forum in combination requires the approval of both the Director of the University Center and the Director of Dining Services.
- 4) Events scheduled for the Main Dining Room and Forum in combination must exceed the dining service capacity of the Forum.

C. Fountain Plaza

The Fountain Plaza at the University of San Diego is intended to be an aesthetically pleasing and restful area for students, faculty, staff and guests of the USD community. As the fountain is located between the Hughes Administration Center and the Immaculata Parish Church, it is important that any activities which take place in the fountain area not be disruptive or inappropriate to the functions of these facilities or the academic buildings in close proximity. Therefore, the following rules are established for the Fountain Plaza:

1. Requests for the use of the Fountain Plaza for programs are submitted to the Campus Scheduling Office and require the approval of the Director of Special Events.
2. No posters or flyers of any kind are permitted on the fountain and planter walls or other stonework.
3. While the fountain area may provide an appropriate setting for wedding photographs, no wedding receptions are permitted in the Fountain Plaza.
4. University receptions held in the Fountain Plaza are to be arranged through Campus Scheduling and University Catering.
5. The serving of alcohol at receptions in the fountain area is permitted only by exception and with the written approval of the President of the University.
6. Amplified sound is not permitted in the Fountain Plaza during business hours or while classes are in session. Any use of amplified sound outside of these hours must be approved by the Director of Special Events in consultation with the Pastor of the Immaculata Church.
7. Vendors and student organization promotions and sales are not permitted in the Fountain Plaza.
8. The Fountain Plaza shall not be used as a distribution area for newspapers or other University or non-University publications or promotional materials.
9. Skateboarding and rollerblading are prohibited in the Fountain Plaza.
10. No parking is permitted on the east or west sides of the Fountain Plaza.

USE OF UNIVERSITY LOGO

Any use, internal or external, of the University logo must have the written approval of the appropriate advisor from the Office of Student Affairs.

IV. PROCEDURAL GUIDELINES FOR THE DISCIPLINARY PROCESS

JUDICIAL PROCEDURES

A. COMPLAINTS

Any member of the University community may file charges against any student alleging a violation of the Student Code of Rights and Responsibilities. Charges shall be prepared in writing and be directed to the Dean of Students or his/her designee. Any charge should be submitted as soon as possible after the event takes place, generally within 30 days of the alleged incident. At the discretion of the Dean of Students or his/her designee, the time permitted to file a complaint may be extended. Established disciplinary information channels (i.e. incident reports and security report forms) are the usual sources of alleged violations of University rules and regulations.*

Acts committed off-campus, but related to the security, well-being or reputation of the University, its educational mission, its special programs and study abroad programs are subject to disciplinary action.

Upon receipt of information of a violation in which the accused's presence on campus raises concern for public safety, the person may be required to leave campus until the disposition of the case is completed under the authority of the Dean of Students or his/her designee.*

In the case of alleged sexual assault, academic and living arrangements may be modified upon request by the victim, provided that such arrangements are reasonably available at the University. If modifications are made, there is no presumption that the alleged perpetrator is responsible. The alleged victim will also be notified of campus support services at the time a report is made.*

When more than one student in an organization is charged with a conduct rising out of a single occurrence or out of connected multiple occurrences, a single hearing may be held for the group organization itself. The Student Organizations Review Board or the Greek Discipline Board will determine sanctions for group organization misconduct. Sanctions may include but are not limited to: censure, suspension of pledging privileges (or other applicable procedures), suspension or revocation of charter, or denial of recognition or registration as well as other appropriate sanctions permitted under this code. In circumstances where urgent attention is required, the Dean of Students and/or the Vice President for Student Affairs may determine whether a violation has occurred and may implement necessary disciplinary measures. Individual members of organizations may also be held accountable for their actions in these incidents and are subject to the usual disciplinary procedures.

B. DISCIPLINARY AUTHORITIES

1. Disciplinary Conference

For first-level violations which occur in residence halls, a Disciplinary Conference is conducted by a Residence Life professional, whose duties include;

- a. Determination of the charges
- b. Interviewing of the parties involved
- c. Resolving complaints
- d. Issuing sanctions
- e. Maintaining disciplinary records

2. Administrative Hearings

- a. In University residence halls, initial hearings of multiple offenses or of offenses of a more serious nature, such as harassment, hate-crimes, assignment to detox, or use of illegal substances are conducted by the Director of Residence Life. This disciplinary officer may dispose of the matter administratively by mutual consent of the parties involved or refer the case to a Peer Review Board.

b. Hearings of alleged violations which occur outside of the residence halls or which are of a more serious nature are conducted by the Assistant Dean of Students. The Assistant Dean will determine if the charges can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Assistant Dean, or may refer the matter to the Critical Issues Board for adjudication.

3. **Peer Review Board(s)** hears all cases referred to them by the Director of Residence Life or the Assistant Dean of Students. Cases submitted to the Peer Review Board will typically involve multiple offenses. This board will assemble on a regular basis. The responsibilities of the board are:

- a. Determination of the charges
- b. Interviewing of the parties involved
- c. Resolving complaints
- d. Issuing sanctions
- e. Maintaining disciplinary records

The board shall be composed of three students selected from a larger group of students who have been trained in USD's disciplinary procedures. The board will be advised by a Student Affairs professional appointed by the Dean of Students.

4. **Student Organizations Review Board:** Hearings involving alleged misconduct of organizations involving University rules and regulations are conducted by the Director of Student Organizations who in turn may refer the matter to the Student Organizations Review Board. This group is made up of trained student representatives. The Director of Student Organizations serves as that board's advisor.

5. **Greek Discipline Board:** The Interfraternity and Panhellenic councils have jurisdiction over all member fraternities to enforce IFC policy, Panhellenic policy and University rules and regulations. Instances of alleged Greek organizational misconduct may result in the referral of the organization to the Greek Discipline Board. This board determines responsibility and sanctions for violations by Greek Life organizations. The group is comprised of organization-selected delegates from Interfraternity and Panhellenic councils. The Director of Student Organizations serves as the board's advisor.

6. **The Critical Issues Board:** Disciplinary matters not decided in Administrative hearings and which are of a most serious nature, such as, violence against others, sexual assault, drug infractions, or other matters including violations of state and federal law may be referred to the Critical Issues Board. This board is composed of one administrator, one faculty member and one student. The Assistant Dean of Students is an ex-officio member of the Board and serves as the board's advisor. The presiding officer shall be an administrator or faculty member of the Critical Issues Board appointed by the members of the board. Three voting members of the board shall constitute a quorum. Members of the board serve a one-year term following their selection and ending on May 31st of next year, except for the Assistant Dean of Students who is a permanent member of the board. Members of the board shall be selected from a group of faculty, administrators and staff who are trained in the discipline process.

Disciplinary Procedures: Until disciplinary boards are selected and trained, at the end of the semester, over intersession and during the summer, complaints may be resolved through the administrative hearing process. Appeals of these decisions will be heard by the Dean of Students whose decision will be final.

C. HEARINGS CONDUCTED BY THE CRITICAL ISSUES BOARD

Hearings are conducted by the Critical Issues Board according to the following guidelines:

1. Students against whom the complaint is filed shall be given notice of the hearing date and the specific charges against them at least five(5) days in advance and, within the limits established by federal guidelines, shall be afforded reasonable access to the case file retained in the Office of Student Affairs.
2. The Critical Issues Board shall be convened within ten(10) business days of the date in which the administrator refers the complaint to the presiding officer of the Critical Issues Board.
3. Formal rules of evidence shall not apply to disciplinary proceedings pursuant to this code. The presiding officer shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs.

4. Hearings shall be conducted in private
5. In hearings involving more than one accused student, the chairperson of the Critical Issues Board, at his/her discretion may permit the hearings of each student to be conducted separately.
6. The complainant and the accused have the right to be assisted by an advisor. The advisor shall be a member of the University community. The complainant and/or the accused is responsible for presenting his/her own case and, therefore, the advisor is not permitted to speak or participate directly in any hearings before the Critical Issues Board.
7. Pertinent records, exhibits and written statements and witnesses may be accepted as evidence for consideration by the Critical Issues Board at the discretion of the chairperson.
8. All procedural questions are subject to the final decision of the chairperson of the Critical Issues Board.
9. After the hearing the Critical Issues Board shall determine, by a preponderance of evidence and majority vote, whether the student has violated each section of the code that the student is charged with violating.
10. The Critical Issues Board's determination shall be made on the basis of preponderance of evidence, i.e. whether it is more likely than not that the accused student has violated The Student Code.
11. There shall be a single verbatim record such as a tape recording of all hearings before the Critical Issues Board. The record shall be the property of the University.
12. No student may be found to have violated The Student Code solely because the student failed to appear before a judicial body. In all cases, the evidence in support of the charges shall be presented and considered.

D. DISCIPLINE APPEALS BOARD

1. The Discipline Appeals Board hears cases which have been appealed to the Dean of Students. Request for appeal must be submitted by the student in writing to the Dean of Students within five(5) business days of mailing the letter notifying the accused student of the findings and imposed sanctions of the Critical Issues Board. Failure to appeal within the allotted time will render the original finding and imposed sanctions final and conclusive.
2. Appeals to the Dean must cite one or more of the following:
 - a. Established administrative procedures were not followed.
 - b. New and significant evidence that was not available or could not have been discovered through diligent investigation before or during the hearing, merits or warrants reevaluation of the case.
 - c. The sanction or sanctions imposed were inappropriate to the violation of the Code of Rights and Responsibilities which the student was found to have committed. (This criteria is only to be considered in cases where the sanction is suspension or expulsion.)
3. The Discipline Appeals Board shall be composed of one faculty member, one administrator and one student. The Dean of Students shall serve as the advisor to the board.
4. On appeal, the Discipline Appeals Board may:
 - a. Affirm the finding and impose the sanctions of the Critical Issues Board.
 - b. Remand the case to the presiding officer of the Critical Issues Board to conduct a new Critical Issues Board Hearing if one of the three criteria in Section B is present.
5. If the case is remanded to the presiding officer of the Critical Issues Board, the Critical Issues Board will reconvene within five(5) days to review the matter and then report his/her findings to the Dean of Students who shall notify the student and appropriate university personnel by letter of the finding regarding the appeal.
6. An appeal of the decision of the Discipline Appeals Board must be filed in writing within five days to the Vice President for Student Affairs. The appeal must cite one or more of the criteria in section D. 2. a-c. The decision of the Vice President for Student

Affairs is final.

E. DISCIPLINARY FILES AND RECORDS

1. Records of individuals processed through University disciplinary procedures shall remain confidential, subject to the provisions of the Family Education Rights & Privacy Act of 1974 (Appendix B). Disposition of cases involving organizations is in the public domain.
2. The file of students found responsible of any charges against them will be retained as a disciplinary record for the remainder of their years as a USD student. FERPA requires the discipline files of major cases remain for a minimum of three years after graduation.
3. An expulsion shall become a part of a student's permanent disciplinary record. A suspension is removed when a student graduates from the University of San Diego.
4. No student shall receive a diploma while a charge against him/her is pending before an Administrative Hearing or the Critical Issues Board.
5. No student shall receive a diploma without first fulfilling the terms of the disciplinary sanction. Participation in the graduation ceremony is at the discretion of the Dean of Students.

V. DISCIPLINARY SANCTIONS

The sanctions listed below may be applied in disciplinary cases. Other appropriate sanctions which would enhance the educational value of disciplinary proceedings may be applied in a given case.

A. General Sanctions

These sanctions may be applied in a disciplinary case by the Vice President for Student Affairs or his/her designee.

1. Warning

Oral notice that repetition of a particular act, within a specified time period, may be cause for more severe disciplinary action.

2. Formal Warning

Notice, in writing, that repetition of a particular act, within a specified time period, may be cause for more severe disciplinary action.

3. Censure

Written reprimand about a particular violation.

4. Seizure

Confiscation of property or materials used in violation of University regulations for a specified period of time.

5. Suspension of Services

Cancellation of University ID card services, for a specified time, for refusal to comply with request of University officials in pursuit of their assigned duties.

6. Administrative Referral for Assessment

Referral of a student to a recognized professional practitioner for evaluation of behavior. Responsibility for follow-through on professional suggestions is left to the individual student whose behavior will be monitored to determine if additional disciplinary action will be required.

7. Administrative Referral for Assessment and University Remedial Action

Referral of a student to a recognized professional practitioner for evaluation of behavior. Following the assessment, the Assistant Dean of Students or his designee will re-interview the student to determine if additional disciplinary action is required.

8. General Probation

Notification that an individual's behavior must conform to University rules and regulations or fulfill a specified disciplinary objective for a designated period of time.

9. Restitution

Reimbursement for damage to or misappropriation of property.

10. Fine

Payment of a specified amount of money as determined by the circumstances of a particular case.

11. Specific Probation

Exclusion from participation in privileged or extra-curricular activities, as established by notice, for a specified period of time.

12. Disciplinary Work Program

Assignment to work responsibility for a specified period of time.

13. Community Reparation Project

Assignment to a specified project as reparation within the community where a violation occurred for a designated period of time.

14. Educational Programs

Assignment to attend education program(s) relevant to the offense.

15. Suspension of Membership Privilege

Suspension from specified group membership for a designated period of time.

16. Suspension of Group Recognition

Suspension of the privileges of group recognition for a designated period of time.

17. Suspension of Student Records

Suspension of the privilege to have the University fill requests to forward personal records to external institutions or individuals until satisfaction required in the disposition of particular disciplinary provisions has been made.

18. Disciplinary Agreement Statement

Requirement of a signed agreement to abide by all University rules and regulations with the understanding that violation of any rule or regulation results in immediate dismissal from campus residence or revocation of a specifically stated privilege.

19. Suspension

Removal from the University community for a designated period of time which may include specific criteria which must be fulfilled prior to reinstatement within the community.

20. Expulsion

Permanent termination of community membership. (If upon appeal significant evidence is presented demonstrating that reconsideration of the case is warranted, then the expulsion may be reversed and the terms of reinstatement will be specified.)

21. Multiple Sanction Terms for Re-Application

Combination of sanctions specified as terms for reinstatement after a disciplinary decision involving separation.

22. Combined Sanctions

Combination of listed or specifically determined sanctions for disposition of a particular case.

B. Provision for Community Safety

Temporary removal of an individual deemed to be a potential threat to the community from the University community for a designated period of time with specific provisions about activity on campus.