

# **University of Jamestown**

## **University Student Handbook**

### **2023-2024**

# Table of Contents

Message from the President.....	4
University Information .....	5
Department Phone Listings.....	6
Introduction .....	7
Services and Resources.....	9
Student Activities and Organizations.....	19
Academic and Administrative Policies .....	21
Standards of Conduct.....	29
Residence Hall Policies and Guidelines .....	60
Violations of Student Conduct.....	67
Formal Student Complaint Process.....	74



# Message from the President

Welcome! We are pleased that you are a part of our family! This is an exciting time in your life, filled with new opportunities, challenges, and experiences. Please utilize this Student Handbook as you navigate your Journey to Success.

The pages of this handbook explain your rights and responsibilities as a member of the community and provide you with the tools you will need. During your time here, you will be encouraged to reach beyond your comfort zone, explore the world, and expand your horizons. You will be faced with opportunities to make important decisions and it will be up to you to utilize sound judgment when such occasions occur. The policies and guidelines set forth in this Student Handbook are meant to establish a safe and healthy environment in order that all may thrive. It is incumbent upon each of you to become familiar with the content of this Handbook in order that you understand how to act within your rights and with responsibility while a member of this community and the larger Jamestown community. Through the various academic experiences available here, you can earn the degree of your choice; but do not overlook other educational opportunities that involve learning experiences beyond the classroom. Co-curricular activities are also crucial in preparation for a career and life beyond the University. We encourage you to get involved in student organizations and government, community services, athletics, internships, and so on. You will meet new friends and learn more about yourself as well as exciting possibilities the world has to offer. Opportunity awaits you as you begin your Journey to Success!

Sincerely,

Polly Peterson, Ph.D.  
President

# University Information

## Mission Statement

The University of Jamestown is a student-centered university dedicated to the development of wholeness in all members of our community. We adhere to a curriculum of academic excellence which blends the liberal arts with sound professional preparation. Our commitment to the Christian faith encourages an atmosphere of self-discipline, responsibility, and concern for the continuing growth of the individual.

## Vision Statement

To become the best career-oriented liberal arts university in the Midwest. We will do so by innovatively blending the liberal arts with professional programs in an engaged, student-centered, Christian environment that fosters long-term success.

## Statement of Values

As an institution of higher education in the Presbyterian tradition, we celebrate God through the use of our minds and the exercise of reason, believing that God is the source of all truth.

You shall love the Lord our God with all your heart, and with all your soul, and with all your mind (Matthew 22:37).

Our Christian and Reformed tradition embraces the liberal arts and the ongoing search for knowledge and truth as a way of liberating the human spirit and of understanding the world we share with others. University of Jamestown promotes education as a means to improve lives, search for vocation, and create lifelong seekers of truth and wisdom. We value the life of the mind and the life of the spirit and therefore hold that faith and reason reinforce each other and that through mind, heart, and hands one can honor God and serve humanity.

Historically, this strong belief that learning and the search for truth are closely connected to faith formed the basis for the Presbyterian Church's early and significant commitment to higher education. As a result, prior to the Civil War, one-fourth of the colleges in the United States were Presbyterian. In 1883, when the Presbyterian Church extended its mission into the Dakota Territory's frontier, Jamestown College was founded in a newly incorporated

city ninety miles west of Fargo.

University of Jamestown is a fully independent, self-governing institution that shares an historic relationship with the Presbyterian Church (USA). We are non-sectarian and welcome students of all faiths and beliefs. Our Latin motto, "Lux et Veritas," proclaims to all that the pursuit of truth lights our journey today as it has since 1883.

# Department Phone Listings

## Main Switchboard Number: (701) 252-3467

All incoming calls to faculty, administration, and staff offices go through this number.  
Campus Safety: (701) 659-0032  
Fax Number: (701) 253-4318

## Department Phone Listings (Department, Building, Extension)

Academic Affairs, Liechty/Taber – 5614  
Admission, Badal Nafus – 5562  
Alumni Office, Liechty/Taber – 5576  
Athletics, Larson – 5409  
Biology, Orlady – 5473  
Box Office, Reiland – 5435  
Business, Unruh-Sheldon – 5463  
Business Office, Liechty/Taber – 5559  
Campus Ministries, Badal Nafus – 5475  
Campus News, Liechty/Taber – 5638  
Career Center, Raugust – 5520  
Cashier, Liechty/Taber – 5561  
Character in Leadership, U-S – 5598  
Chemistry, Orlady – 5485  
Classroom Reservations, Liechty/Taber – 5554  
Communication, U-S – 5598  
Computer Center Help Desk – 5611  
Computer Science Dept., U-S – 5019  
Conferencing, Lyngstad – 7316  
Counseling – (701) 659-0834  
Criminal Justice, Lichtry/Taber – 4308  
Development/Alumni Relations, Liechty/Taber – 5576  
Disability Services – 5721  
Education, Lyngstd – 5995  
Engineering, Sorkness – 4304  
English, Lyngstad – 5632  
Experiential Education, Raugust – 5520  
Financial Aid, Liechty/Taber – 5556  
Food Service, Westminster – 5645  
Foreign Language, Lyngstad – 5631  
Guest Room Reservations – 5002  
History, Lyngstad – 5022  
Jimmie Connection, Lyngstad – 5476  
Kinesiology, Foss – 5564  
Library, Raugust – 5530  
Marketing, Liechty/Taber – 5638  
Master's – Counseling, Liechty/Taber – 5354  
Master's – Education, Lyngstad – 5597  
Master's – Leadership, Fargo – (701) 499-3984  
Mathematics, Sorkness – 5603  
Music, Reiland – 5026

Nursing, Orlady – 5497  
Physical Plant – 5439  
Physical Therapy, Fargo – 5903  
Post Office, Lyngstad – 5440  
President, Liechty/Taber – 5551  
Psychology, Liechty/Taber – 5639  
Public Relations, Liechty/Taber – 5638  
Registrar, Liechty/Taber – 5554  
Religion/Philosophy, Voorhees – 5545  
Residence Life, Lyngstad – 5002  
Service Department, Liechty/Taber – 4311  
Sports Information, Larson – 5222  
Student Activities, Lyngstad – 5800  
Student Affairs – 5442  
Student Success Center, Raugust  
Retention (Emily Wolff) – 5715  
Tutoring – 5554  
Study Abroad, Raugust – 5502  
Technology Helpdesk – 5611  
Theater – 5436  
Testing  
CLEP (Lexie Lueck) – 5502  
ACT/SAT (Mika Thorlakson) – 5031  
Wellness Center, Foss – 5404

## Other Important Numbers (campus phones: dial 9 first)

Emergency – 911  
Jamestown Police – 252-1000  
Jamestown Regional Medical Center – 252-1050  
SAFE Shelter – 251-2300  
Ambulance – 252-1231  
Central Valley Health District – 252-8130  
Sanford Clinic – 253-4000  
Sanford 2<sup>nd</sup> Ave. Clinic – 251-6000  
Essentia Clinic – 253-5300  
South Central Human Services – 253-6000

# Introduction

This handbook includes information which should be useful to you as you proceed toward reaching your goals. We hope you will pay particular attention to the general policies which are designed to help you. There are many programs and services offered, so please keep in mind that our primary interest is your success and UJ's tradition.

## Community Statement

University of Jamestown is a community. Such a community offers an environment that allows individuals to develop their full potential. To that end, the University has created a set of standards regarding personal conduct within this community. Personal responsibility and respect for others are the key values underlying these standards. Teaching students to accept responsibility for their behavior and to respect the rights of others is a high priority for our University community.

The University holds the belief that students become more productive when they have adopted these values. One of our responsibilities is to challenge behaviors that violate the rights of others or which violate the laws of the larger society. By holding each student to a high standard of behavior, we both protect the campus community and promote the moral and ethical development of students. In doing so, we also have an obligation to regard each student as an individual, deserving individual attention, consideration and respect.

There are times when the University must exercise its responsibility to the community by suspending or expelling a student who has violated the UJ Standards of Conduct. Behavior which is prohibited by these standards is outlined in this Handbook. These standards arise from the key values of personal responsibility and respect for others. By presenting these to you, we hope to begin a process which will lead to your support of the guidelines and the values upon which they are based.

We believe that the educational focus of our institution will be served best by a serious commitment to helping students develop responsible personal attitudes and behavior. We feel it is our responsibility to establish behavioral guidelines which are stated clearly and to define the consequences for those acts outside these guidelines. We intend to fulfill this goal by making these guidelines and consequences well known to all members of our community.

It is our hope that the response to these expectations will be a positive one which enables our community to better achieve its educational mission and to affirm the wholeness of that mission, inside and outside of the classroom.

## Nondiscrimination Statement

The University of Jamestown is committed to fostering an atmosphere that is respectful and cooperative, and which promotes equal opportunity. University of Jamestown prohibits unlawful discrimination and/or harassment in the University environment, in its employment, and in all of its programs, including: all academic, extra-curricular, and University-sponsored activities whether off or on campus. University of Jamestown is committed to ensuring an environment free from all discrimination and/or harassment based on race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, age, marital status, family medical history or genetic information, disability, political affiliation, military or veteran status, status with regard to public assistance, or other status with respect to which discrimination would be unlawful. Prohibited behaviors include: disrespectful and offensive behavior, unwelcome remarks and/or physical conduct that denigrates or shows hostility or aversion toward an individual's race, color, national origin, gender, disability, sexual orientation, or other status with respect to which discrimination would be unlawful.

All students, faculty, administrators, and staff are encouraged to work together to prevent acts of unlawful discrimination and/or harassment of any kind. University employees who observe acts of discrimination and/or harassment should intervene to stop discrimination and/or harassment, unless circumstances would make such intervention dangerous. Any student, faculty, administrator, or staff who believes he or she has been subjected to or witnessed discrimination, harassment, or a hostile environment shall promptly report such conduct to the Affirmative Action Officer/Title IX Coordinator, Becky Knodel (bknodel@uj.edu, 701-252-3467 ext. 5566, Liechty Center/Taber Hall 219) or the alternate designee, Vice President for Student Affairs (Lyngstad), so that the University can timely, fairly, and appropriately investigate, document, and respond to any such reports. Any student, faculty, administrator, or staff found to have engaged in acts of unlawful discrimination, harassment or other acts that create a hostile environment at the University of

Jamestown, will be promptly disciplined. Such discipline may include, if circumstances warrant, discipline up to and including suspension, expulsion, and termination.

Retaliation against any person who complains of discrimination or harassment, or who participates in the investigation of a complaint of discrimination or harassment, is prohibited. Individuals who are found to have engaged in retaliation will be subject to discipline up to and including termination of employment, suspension, or expulsion.

## Interpretation

University policy is continually being reexamined to reflect the needs and values of the community. As such, the University reserves the right to modify or cancel any statement in the student handbook at any time, and such changes may not be immediately reflected in this publication. Student conduct regulations at the University are set forth in writing in order to give students general notice of prohibited conduct.

# Services and Resources

## Student Success Center (SSC): Raugust Library

*Retention/Success (Emily Wolff): 5715*

*Tutoring/Advising/Accommodations: 5554*

### Advising

Academic advising is essential in helping you meet your educational objectives. Students experiencing academic difficulty may consult with the SSC or the Office of the Registrar. The staff will assist you in developing a plan to help you achieve your academic goals. The SSC also provides assistance with reading skills, study skills, and time management.

The center offers the following advising services:

- Assists with majors/minors planning.
- Assists with outlining your class schedule prior to meeting with your advisor.
- Provides worksheets for general education requirements.
- Provides worksheets for specific major/minor requirements.

### Faculty Advisors

The academic advising program at UJ is designed to assist you with developing educational plans that are compatible with your goals. Each incoming first-year student is assigned a faculty advisor. This faculty member will be available to answer any questions you have about your academic program during your first semester and to help you plan your courses for the following semester. You should take the opportunity to meet your advisor and to spend some time discussing your plans as soon as possible.

If you declare or change your major and your faculty advisor does not teach in that area, you will be assigned a new advisor who teaches in that department. Remember, academic advising is essential in helping you to meet your educational objectives. A good student-advisor relationship requires regular communication. The following are suggestions for keeping that channel of communication open:

- Schedule regular appointments with your advisor. You need to take the initiative in setting up these meetings.
- If you are seeking advice for your course schedule, consult the University Catalog first and come to your advisor's office with a provisional course plan. Your advisor will then be able to review your work and make further suggestions as appropriate.
- Try to formulate any specific questions you have before your visit so that you can make efficient use of your time.

### Tutoring Services

Tutoring services are available in a variety of formats. The SSC offers several study sessions each semester. For a complete listing of study sessions, check out the UJ website. If there is not a study session for a particular course and you think one would be beneficial, please contact [tutors@uj.edu](mailto:tutors@uj.edu). Peer tutors are specially trained to assist you in most subject areas and is free of charge. To request a one-on-one tutor either email [tutors@uj.edu](mailto:tutors@uj.edu) or complete the tutor request form on the UJ website.

### Disability Services

If you have a disability or have questions regarding disability services, we encourage you to schedule an appointment with SSC staff or visit the UJ website to learn more. The website provides information on reasonable accommodations, qualifying for accommodations, resources, and disability documentation.

Services include identifying and coordinating reasonable accommodations, promoting an accessible and inclusive campus environment, and encouraging student independence.

### Business Office: Taber Hall

*Campus Extension: 5561*

Pay your University of Jamestown account bill at the Business Office. The cashier's window is open Monday through Friday from 8:00 a.m. to 5:00 p.m. Pay in person by cash or check.

Pay by mail by sending a personal check or cashier's check

to University of Jamestown, Attn: Cashier, 6088 College Lane, Jamestown, ND 58405.

Pay online by going to [mycollegepaymentplan.com/uj](http://mycollegepaymentplan.com/uj). This will direct you to Nelnet, which handles online payments for the University of Jamestown. You will set up a profile, username and password, and select either option, Make a Payment or Set up a Payment Plan.

First day of the Semester/Term:

- All charges assessed by the University of Jamestown (tuition, fees, room and board) are due and payable on the first day of the semester/term, fall, spring or summer.
- Unpaid balances begin accruing finance charges on the first day of class, which are added monthly.
- A student may see the Cashier and discuss alternative payment arrangements for any unpaid balance. The Cashier is located in Liechty Center-Taber Hall.

Thirty (30) days after first day of Semester/Term or Completion of four (4) weeks:

- Meal plan and participation in cocurricular activities will be suspended for students with past-due accounts, or if a student is not adhering to approved payment arrangements.

Sixty (60) Days after first day of Semester/Term or Completion of eight (8) weeks:

- Students will be withdrawn from all University of Jamestown sponsored programs, academics, cocurricular activities, food service and housing if a payment arrangement has not been approved, or if an approved payment arrangement is delinquent.

Past due student accounts may be sent to a collection service.

One half of financial aid awarded to the student will generally be applied to each semester. The student will not be allowed to register for the next semester and credits will not be issued until the account is paid in full. The University reserves the right to withhold statements of honorable dismissal, credits, transcripts and diplomas until all financial obligations have been met with the Business Office.

If you have questions about your meal plan or housing, contact the Residence Life department. If you have questions about your scholarships or loans, contact the Financial Aid office. If you have questions about the bill,

contact the cashier in the Business Office at 701-252-3467, ext. 5561.

**Paychecks:** Student work study checks are distributed by the Business Office around the 10th day of the month. If your student account is clear, you will receive your paycheck through campus mail. Students who wish to apply their entire work program award to their account need to sign an authorization form with the Business Office so the checks can automatically be applied to their account on payday. The check stub and detail statement of the work-study program payments will be mailed.

**Personal checks:** You may cash a personal check for up to \$50 at the Business Office in Taber Hall which is open weekdays from 8:00 a.m. to 5:00 p.m. You may also cash UJ Work Study paychecks in the Business Office. You must present your student ID to have a check cashed. There will be a \$10 fee for all checks returned for non-sufficient funds (NSF). Students issuing NSF checks may also be subject to additional charges and legal action.

## Calendar of Events

*Campus Extension: 5551*

To place an event on the Calendar of Events or to learn whether events are already scheduled for a certain day, check the website, [www.uj.edu](http://www.uj.edu).

## Campus Safety: Lyngstad Center

*24-Hour Contact Line: 701-659-0032*

UJ demonstrates a strong commitment to campus violence prevention and safety.

Although UJ and the community of Jamestown are generally considered safe, we are not isolated from some of the unpleasant events that happen in every community. It is important that you take responsibility for your own safety and wellbeing.

Crime prevention is essentially being aware of your environment and avoiding those situations which might make you vulnerable to crime. We strongly encourage you to use common sense and take steps to ensure the safety and security of your belongings, yourself, and others.

UJ Public Safety maintains overnight patrol of the campus, and the physical security of University owned property. The safety of students, staff and guests is of primary importance.

## Safety Tips

- Travel in well-lit areas of campus and avoid walking alone at night.
- Let people know when you go out, where you are going and when you plan to return.
- Don't carry large amounts of cash.
- Lock your car and residence hall room.
- If you see or hear something suspicious, contact security - it is better to be safe than sorry.

Students living in the residence halls are asked to assist in safeguarding personal property by locking their doors when they are not present. All students are advised to safeguard their personal items while on campus.

University students can utilize Safe Walk by calling the campus security number at 701-659-0032 between 8 p.m. and 4 a.m.

## Campus Security Act of 1990

UJ collects campus crime statistics in compliance with the Campus Security Act. Crimes which must be reported are: murder, sexual assault, robbery, aggravated assault, burglary (breaking and entering), motor vehicle theft, as well as hate crimes and occurrences of sexual violence. Alcohol, drug and weapons arrests on campus are also reported.

The University will provide upon request all campus crime statistics as reported to the United States Department of Education at <https://ope.ed.gov/campussafety/#/> and search by "Name of Institution." Further information related to the campus crime statistics may be obtained by contacting the Director of Campus Safety at 701-252-3467 ext 5002.

Students, faculty and staff involved in any of the above-mentioned crimes must file an official report to the Public Safety department located in Lyngstad. If there is an emergency on campus, students, faculty and staff should contact the emergency on call cell at 701-659-0032 and use their judgement if 911 should be called. If students are locked out of their residence hall or room, they need to contact their RA. If faculty and staff are locked out of their buildings or rooms, they need to contact their Department Chair.

## Career Center: Raugust Library

*Campus Extension: 5520*

The UJ Career Center is the prime location to get help choosing a major of study and exploring potential careers. In addition, they offer resume, practice interview, job shadow, and job/internship/graduate school application assistance whether you are a student or a graduate. Resources utilized at the Career Center include webpage resources, Focus2-an online career assessment; and individual assistance by appointment or walk in. The Career Center works with students to find and apply for internship opportunities in their field of study and the Career Center Director teaches the Internship/Experiential Education courses so students can get academic credit for internships for most majors. Contact the Career Center or stop in for more information about Career Planning and Internships/Experiential Education.

## Study Abroad: Raugust Library

*Campus Extension: 5502*

UJ is a member of the International Student Exchange Programs (ISEP). Students participating in an ISEP Exchange have access to more than 150 universities in over 50 countries for a full academic year, a semester, or a summer program, for the same cost of tuition, room and board that you pay at UJ. Federal and most other forms of financial aid can be applied toward participation in ISEP. Visit [www.isepstudyabroad.org](http://www.isepstudyabroad.org) for more information.

The Irish American Scholar Program provides a semester-long study abroad experience at one of five institutions in Northern Ireland for the same tuition as UJ. Visit [www.irishamericanscholars.com](http://www.irishamericanscholars.com) for more information.

Contact Lexie Lueck in Raugust Library room 110 or email [alueck@uj.edu](mailto:alueck@uj.edu) for more info about studying abroad.

## IT/Computers: Sorkness Hall

*Campus Extension: 5611 (Helpdesk)  
uj.edu/helpdesk*

The UJ helpdesk is committed to helping students meet the challenges of modern technology and the computer age. Within this broad framework, the University provides students with a variety of computing tools.

All residence halls have computer labs, printing, and internet connectivity, both wireless and direct.

## WiFi Network

Students should use the UJ-Wireless network. Upon connecting, you will be prompted for a username and password. This username and password are your UJ credentials. The use of personal wifi access points/routers is prohibited.

## Software

UJ has a Microsoft Campus Agreement (MSCA). As a full-time student (12+ credits), you may download and install Microsoft Office 365 on your computer for free. Instructions and installation downloads can be found at [uj.edu/helpdesk](http://uj.edu/helpdesk). Once you are no longer enrolled full time at the University, your Microsoft Office 365 subscription will become inactive.

UJ also has a software agreement with Network Associates for McAfee Anti-Virus Software. Students may install and use this software while attending UJ. If you need to have this software installed, contact the UJ helpdesk to arrange an appointment.

## E-Mail

Every student is provided a university email account, based in Microsoft Office 365. Your email may be accessed through the online portal at [outlook.office.com](http://outlook.office.com), using the Student Outlook.

Mail link on [my.uj.edu](http://my.uj.edu), the Outlook desktop client included in your free Microsoft Office 365 subscription, or on a mobile devices mail client. University email is the primary means of communication between faculty/staff and students at the University. It is recommended you check your university email messages at least once a day and respond to any requests. You can use email on the campus computer system to contact faculty, staff and other students. A list of University email addresses is included in the directory and is also available on the web at [www.uj.edu](http://www.uj.edu). The online campus directory requires you to provide your login and password since personal information and email addresses are not to be released to the general public. Refer to the Information Technology Use Policy (p. 29) for more information.

## MyUJ Portal

MyUJ is UJ's web portal and Learning Management System (LMS). MyUJ is essentially an online web tool that allows faculty, students, and staff to collaborate and communicate in a variety of ways for courses and other

approved campus departments and groups. Handouts, documents, and files of just about any type, can be posted to MyUJ by faculty or administrators for access and download by students and others. Additionally, forums or threaded discussions where faculty, staff, and students can post topics and responses for discussion can take place 24/7. Chat rooms, online quizzes, tests, and other coursework and assignments, as well as announcements and online grading are also part of the MyUJ portal and LMS. MyUJ Help is available on the Helpdesk web site. The portal is accessible from the Current Student page on the main website or at [my.uj.edu](http://my.uj.edu).

## Labs

Computer labs are located in Raugust Library, Orlady Hall, Unruh and Sheldon Center, Foss Wellness Center, and Lyngstad Center. These labs provide the majority of software used on campus in addition to specific business, accounting, language, math and statistical packages.

Instructors may reserve the use of the computer labs at various times. Please plan to complete work early to avoid any conflicts.

## Printing

Printing is provided for the campus community. Students are given a \$30 printing credit for each semester. Printing credit carries over from Fall to Spring semester but DO NOT carry over the summer to the following academic year. Charges are \$0.04 per page for black and white/\$0.13 per page for color. Additional credits may be purchased at the Helpdesk if needed. Please visit [uj.edu/helpdesk](http://uj.edu/helpdesk) for instructions to connect to printers across campus.

## Cable TV

Every residence hall room or suite does come with cable television access provided by Daktel. Please note there are charges associated with lost or damaged cable box equipment. Come to the helpdesk in Sorkness Center to check out a cable box (one per room or suite). You will receive a cable box, remote, power adapter, and component cable. For additional information, please visit [uj.edu/helpdesk](http://uj.edu/helpdesk).

## Technology Helpdesk

The Technology Helpdesk web site is [uj.edu/helpdesk](http://uj.edu/helpdesk) or click on "Helpdesk" in the footer of any campus web page. There are FAQs, tips, software downloads and you may submit online help requests. The Helpdesk phone number

is 5611 and is located in Sorkness 105. Walk-in and/or telephone assistance are available from 9 a.m. to 4 p.m.

## Counseling Services

(701) 659-0834

The UJ Counseling Center is constructed to provide short-term solution-focused counseling and the services are free and confidential for our students. The Counseling Center is located on the third floor of Taber Hall in the 300 suite.

To schedule an appointment: [counseling@uj.edu](mailto:counseling@uj.edu) (anytime) 701-659-0834 (during business hours).

The UJ Counseling Center is here to provide support and listen. We can also help you connect with local counseling providers. Our licensed counselors are not, by law, licensed to prescribe, manage or recommend medications.

## Dining Services: Westminster

*Campus Extension: 5645*

Food service is provided by Sodexo and is available in the Knight Hall dining center located in the Badal Nafus Center, Caribou Coffee located in Lyngstad Center, and Knight & Day Coffee House (We Proudly Serve Starbucks) located at UJ Place. A wide variety of items are offered daily.

If you have special dietary needs, please contact the Director of Dining Services at 5479 to help meet those needs.

Cash and credit cards are also accepted.

Flex plans can also be purchased for any amount and can be added to at any time. This is a declining balance account that works off of your ID card. You can purchase this plan in the Campus Dining Office in Westminster Hall.

Changes can be made to your meal plan during the first two weeks of the semester with the Director of Residence Life in Lyngstad Hall.

Entrance to the Knight Hall dining center requires your ID card and either a purchase with your meal plan or flex plan.

Hours of operation can be found at [ujdining.sodexomyway.com](http://ujdining.sodexomyway.com).

For people not on a board plan, voluntary meal plans are available or food may be purchased by paying cash at the door. For more information, stop by the Dining Services

office in Nafus Hall or call ext. 5645. Additional information about food service programs and the costs can be found in the University Catalog or online at [ujdining.sodexomyway.com](http://ujdining.sodexomyway.com).

## Food Plan Policies

Residents are required to conduct themselves properly in the dining area. Food fights and failure to clean up after yourself causes an unpleasant environment. All food taken by board plan students must be eaten in the dining room. Food, dishes, silverware, etc., may not be removed from the dining area. Incidents will be reported to the Dean and disciplinary action may be taken.

To receive a sick tray, contact the Dining Services manager or the cashier.

## Financial Aid: Taber Hall

*Campus Extension: 5556*

The Financial Aid staff seeks to serve students and families by providing information and options tailored to specific financial needs for educational expenses at UJ. Grants and scholarships as well as student work-study programs and loans are available. Aid is available through federal, state, institutional and private sources.

In order to determine eligibility, students seeking state and federal financial aid must submit a Free Application for Federal Student Aid (FAFSA) on an annual basis. Students must maintain satisfactory academic progress as prescribed by federal guidelines to remain eligible for most financial aid programs.

## Student Work Study Program

Student work positions on campus are assigned by the financial aid office to incoming students based upon student requests, talents/abilities and job availability. Returning students must secure their own position(s) each year by contacting the work study supervisor within the department for which s/he wishes to work. Students must file a Free Application for Federal Student Aid (FAFSA) to be eligible for Federal Work Study. A limited number of institutional work study positions are also available.

A supervisor who determines that a student has failed to fulfill the requirements of a campus job may remove the student from the position. Students who feel they were terminated unfairly may submit a written appeal to the Financial Aid Committee for review.

Questions regarding campus work should be directed to the Financial Aid Office, ext. 5556.

## Health Services

The most effective way to control the spread of the sickness is social distancing; as a result, students need to keep in communication with their professors regarding class attendance and responsibilities if they are ill. Please inform your residence hall staff if you or someone you know is thought to have the flu so we can assist in protecting all involved.

If you are experiencing a fever, sore throat, cough or any of the other symptoms, please consider doing the following:

1. If you have chosen not to take any medication, stay in your residence hall room until 24 hours after the fever has subsided.
2. If you have been taking fever-reducing medication, stay in your room until you have been able to stop using the medication and to maintain a normal temperature for 24 hours.

For students who are feeling ill and stay in their room, arrangements can be made with dining services for meals to be delivered to you as you need. Any student living in the residence hall that has flu-like illness and is coughing or sneezing can obtain a surgical mask from the Resident Director of the hall. The masks are only for those who are ill in order to help prevent others from becoming sick.

## Health Contacts

Ask-a-Nurse 1 (800) 821-5167

Central Valley Health District (701) 252-8130

Essentia Health Clinic (701) 253-5300

Jamestown Regional Medical Center (701) 252-1050

Sanford 2nd Ave Clinic (701) 251-6000

Sanford Clinic (701) 253-4000

## Identification Card

*Campus Extension: 5442*

University identification cards are issued to all students when they first enter UJ. Your University ID card serves as your identification card, your meal card, your library card, your ticket into home sporting and fine arts events, provides access to assigned buildings, and must be carried with you at all times.

Students are required to show their University ID when requested by a University official, and specifically includes Campus Safety and the residence hall staff. If the student does not have his or her University ID upon request, a picture ID will be accepted. If the ID is not in the student's possession, a member of the residence hall staff or Campus Safety will accompany the student to obtain the ID.

When the situation involves a disciplinary incident and the student refuses to show a picture ID, the Jamestown Police Department will be called to assist with the incident. Anytime the police are involved, the student will be subject to the policies and guidelines of the campus as well as North Dakota state and local laws. Students should carry their ID card at all times and should be ready to surrender their card upon request of any University official (includes dining service management).

Many University facilities (e.g., Foss Wellness Center, Cafeteria,) require University ID cards to be presented for admission to/for their respective facilities/services. The ID card does not serve as proof of birth date.

Your ID card may be rendered unusable and you will be responsible for replacement at a cost of \$20 per card in any manner that is not deemed as normal wear and tear including but not limited to placing stickers on the card, placing it near a strong magnet, putting it through the wash, and bending or breaking the card, and/or hole punching the card in any way. The University will replace ID cards that, in the opinion of the Student Affairs Office, have disintegrated because of normal wear and tear.

The University's ID printer is located in the Student Affairs Office in Lyngstad. Regular office hours are 8:00 a.m. - 5:00 p.m., Monday through Friday. Students should direct inquiries pertaining to ID cards to this office.

Lost cards must be reported to the Office of Student Affairs immediately during regular business hours.

All replacement fees will be billed to the students' university account and may be paid at the Business Office.

Allowing someone else to use your card is not allowed. Students found to be abusing someone else's meal plan/card will be subject to the UJ Standards of Conduct.

## Jimmie Connection: Lyngstad Center

*Campus Extension: 5476*

The Jimmie Connection provides a complete selection of

school supplies, UJ apparel, greeting cards and a large assortment of gift items.

Visit us at <http://bookstore.uj.edu>

Personal checks and all major credit cards are accepted in the campus store and all major credit cards are accepted online. All returns for apparel and gifts must be done within 30 days of the date of purchase and must be accompanied by a receipt.

## Textbooks

The campus store no longer carries textbooks but we do have an online store where you can purchase your books and have them shipped directly to you. To place your book orders, please visit our campus bookstore at:  
<http://bookstore.mbsdirect.net/uj.htm>

There will be a two-week period prior to the start of each semester when you can order your books and receive free shipping. The store manager will send an email to notify you of those dates.

The Jimmie Connection will host a book buyback twice a year during finals week at the end of each semester.

If you have a book that has been stolen, please notify the campus store manager in case someone attempts to return it to the store. You should have some way to identify the book (name in the cover, special markings, etc.).

## Post Office: Lyngstad

*Campus Extension: 5440*

All full-time, on-campus and UJ Place students are assigned a mailbox which will be your campus address the entire time you are a student, as long as you are living on campus. If you decide to move off campus, you must turn in your mail key and close your mailbox. You will be given the first key for free but if you lose your key, you must purchase a replacement key to get your mail. To replace your key, there is a \$20, non-refundable charge. Mail must be checked on a regular basis, failure to do so could result in your mailbox being closed.

Campus mailboxes are for personal use only and only for the person who is assigned to that box. If mail comes in for someone who is not assigned to that box, it will be returned to the sender. Students operating a business must rent a box at the city post office.

At the post office window, packages are signed for and picked up, stamps may be purchased and letters mailed

during the hours of operation. All incoming packages must have first and last name with correct address. An email is sent to your UJ email notifying you a package is ready to be picked up. The post office is closed Saturdays, Sundays and Holidays. No mail will be delivered or sent out on those days. The mail is picked up by 8:00 am each day and any mail dropped off after 8:00 am will not go out until the following day. Special services such as overnight delivery or insurance are not offered. Packages with a return authorization label may be mailed at the Post Office, all other packages must be mailed at the Service Department in the basement of Taber Hall.

## Publications

The University produces several publications, including Campus Clips, a collection of news releases posted on the University website, and What's Happening, a twice-weekly e-mail bulletin. Alumni & Friends is a magazine mailed to alumni and friends of UJ. In addition, an annual President's Report is mailed in the fall.

Student news (i.e. dean's list, scholarship honors, athletic honors involving conference or regional team selection, etc.) is sent to hometown newspapers, high schools, social media, and law makers.

Other University publications include: The Collegian, a University newspaper published by students regularly during the academic year (contact [collegia@uj.edu](mailto:collegia@uj.edu)); and Plainsong, an art/literary magazine published by the University each year.

The Board of Student Media provides general oversight and recommendations regarding The Collegian and the Student Media Center.

Students interested in gaining experience in writing, photography and business may participate in the development of these publications. Plainsong submissions are accepted by the Department of English.

## Raugust Library

*Campus Extension: 5530*

Raugust Library currently houses more than 200,000 items from books to e-books to periodicals to government documents to audiovisual materials to microforms. The library staff is always willing to help you in any way they can.

The library is a member of ODIN (Online Dakota Information Network), a network allowing access to all

materials in Raugust Library along with 80 other North Dakota libraries. Raugust Library also subscribes to WorldCat, which accesses the holdings of more than 60,000 libraries in 112 countries, and 147 additional online bibliographic and full text databases, giving access to more than 100,000 online journals. Through Overdrive, ACLS, Ebsco eBooks, JSTOR, and other databases, students can read or listen to more than 16,000 e-books online. Through Naxos, students can listen to more than 2,510,000 individual tracks of music.

The Curriculum Library contains more than 22,000 books, kits, and audio-visual items for children and is used to support the Teacher Education program. It is located on the main floor and houses a collection of stuffed animals for students old and young to enjoy.

Research help is available to all students by email (reference@uj.edu), phone (ext. 5441), video chat, and in person in the library. The Reference and Instruction Librarian can assist with starting a research project, developing search strategies, evaluating sources, citing sources, and more. All questions are welcome!

Check-out schedule:

- Books, 6 weeks
- Periodicals, 1 week
- Audio-visual, 1 week
- Reserved materials; 3 hours, overnight, or at the time limit set by an instructor.

Check when items are due back before leaving the library, and remember that they can be renewed by calling the front desk at ext. 5530.

Fines:

- Books: no fine; after 14 days overdue, \$60 replacement fee
- Journals: no fine; after 14 days overdue, \$30 replacement fee
- DVDs and CDs: no fine, after 14 days, replacement cost
- Reserve items: There is a 24 hour grace period, then a \$5 fine will be assessed.

## Registrar: Taber Hall

*Campus Extension: 5554*

The functions of the Registrar's Office include maintaining student academic records, registration for classes, grade reports, preparation of the class schedules and semester examination schedules, issuing transcripts, and evaluating transcripts of students transferring to UJ. The following forms are available in the Registrar's Office:

- Schedule of classes
- FERPA forms
- Graduation Intent
- Trial Schedules
- Pass fail option form
- Change of schedule (to drop or add a class, or change from "credit" to "audit")
- Petition form (to request an exception to an academic requirement/regulation)
- Directed or Independent Study forms
- Transcript requests
- General Education Requirement sheets

You are invited to make an appointment with the Registrar during the second semester of your junior year to review general requirements for graduation. You must take the responsibility for completing major requirements in consultation with your academic advisor(s).

## Grades

Tentative grades are reported at Midterm to assist you in gauging your effort for the remainder of the term. Midterm grades can be obtained from your academic advisor.

At the completion of each course you are given a grade: A, A-, B+, B, B-, C+, C, C-, D+, D, D-, or P for passing work, I for incomplete work, and F for failure.

Final grades can be obtained from MyUJ within one week of the end of the semester. For more information on grade policies and grade point averages, refer to the University Catalog.

## Graduation

As a prospective graduate, you are required to fill out a graduation intent form at [www.uj.edu](http://www.uj.edu) no later than one semester prior to the one you will graduate to ensure that all requirements have been met. Contact the Registrar's

Office for help with any questions you may have about graduation.

Students must have a graduation intent form on file in the Registrar's Office in order to be considered a candidate for graduation.

**Graduation Rate** The following information is provided in accordance with Public Law 101-542, the "Student Right to Know Act." The most recent graduation rate, which is for full-time students who enrolled for the first time at UJ in the fall 2014 was 55%.

## Name/Address Change

It is important to report any name or address changes to the Registrar's Office. Please visit the Registrar's Office or email [registrar@uj.edu](mailto:registrar@uj.edu) to make the change. If you are requesting a name change, please bring legal documentation of your changed name.

## Rights and Privacy

UJ maintains an educational record for each student who is or has been enrolled at the University. To read about your rights and privacy concerning your records please see the section on the Family Educational Rights and Privacy Act (p. 23).

## Veterans

Enrollment certification forms for veterans are prepared by the Registrar. Veterans with specific questions may call the Veteran's Administration General Education Benefits at 1-888-442-4551 or online at [www.gibill.va.gov](http://www.gibill.va.gov).

## Withdrawal from the University

Any student who withdraws from all classes or transfers after a semester must file an official University Withdrawal Form, available from the Student Success Coordinator. A student is considered officially enrolled until this form is filed.

In addition, all students who have participated in federal financial aid programs must meet with a financial aid officer to assure accurate processing of their financial aid records.

## Religious Life: Badal Nafus

*Campus Extension: 5475*

In an effort to develop the whole person, the University

emphasizes the spiritual dimension of life. A weekly chapel service, led by students and members of the University community, is provided on Thursdays at 11 a.m. in Voorhees Chapel. The Chapel is open throughout the day and offers a quiet place for prayer and meditation. Feel free to stop by anytime. The University also promotes other opportunities for spiritual development, including ministry teams, fellowship groups, Bible studies and mission projects.

## Service Department: Taber Hall

*Campus Extension: 4311*

The Service Department is staffed Monday through Friday from 1 to 5 p.m. You can make photocopies in the Service Department by logging onto the copiers using your UJ credentials or swiping your ID badge. If you need to purchase more copy credits please stop by the IT Help Desk in Sorkness. You can also pay cash to the Service Department at 10 cents per photocopy. Use of a scanner is also available. Arrangements and payment for large projects should be made in advance at the Service Department. The Service Department will also take care of your outgoing mailing needs with USPS and UPS. If you have an outgoing International package you'd like to mail, it is recommended you go directly to the US Post Office or United Parcel Service allowing adequate time to fill out necessary paperwork. The Service Department cannot accept debit card payments, cash only.

## Campus Wellness: Foss Wellness Center and Larson Center

*Campus Extension: 5404*

All registered full-time students are automatically eligible to use the facilities at the University's Foss Wellness Center as well as the Larson Center. You must be currently enrolled to use this option and must show your student ID card each time you use these facilities.

## Facility Rules

- UJ Apparel or UJ School colors worn in the weight room – People wearing other College/University apparel will be asked to change or have their workout privileges revoked
- Shirt and Shoes must be worn at all times unless specified from Strength, Conditioning & Campus Wellness staff

- Clean up after yourself – all equipment used must be put away in the appropriate spot and racks must be set to the appropriate settings
- No Bluetooth Speakers – Music will be played during certain times of the day by the Strength, Conditioning & Campus Wellness Staff – if you want music you must wear headphones
- Safety first – spotters are a must
- UJ and the Strength, Conditioning, and Campus Wellness Staff is not responsible for personnel belongings

# Student Activities and Organizations

## Department of Athletics

*Campus Extension: 5409*

Men's varsity teams compete in football, basketball, wrestling, indoor and outdoor track and field, baseball, golf, soccer, and cross country, hockey and volleyball. Women's varsity teams compete in basketball, volleyball, indoor and outdoor track and field, cross country, softball, golf, soccer, and wrestling. Coed teams are offered in eSports and trapshooting.

Schedules of athletic events are posted throughout the campus and are published in What's Happening.

## Intramural Sports

*Campus Extension: 5453*

UJ offers intramural sports in a wide variety of areas. Activities include volleyball, dodgeball, flag football, basketball, and many other fun events.

## Performing Arts: Reiland Fine Arts Center

*Campus Extensions: 5026 (Music) 5436 (Theatre)*

### Music

The UJ Department of Music features performing ensembles in which students may participate. These groups are the Wind Ensemble, Jazz Band, Big Orange Pep Band, Drum Line, Chamber Orchestra, Percussion Ensemble, Concert Choir, and Chapel Choir. Additional small ensembles, both instrumental and vocal, provide opportunities for students to diversify their musical experiences.

You may participate in any of the instrumental ensembles. Please sign up for a meeting during Welcome Weekend on the band room door in Reiland to receive a locker and information about the ensembles. The Wind Ensemble and Jazz Band tour nationally and the Wind Ensemble travels internationally every four years.

The Concert Choir is a mixed a cappella choir and requires an audition which can be scheduled during Welcome Weekend or by making an appointment with the Choir

Director. The Chapel Choir is a women's ensemble and is open to all students without an audition.

The music department also offers private lessons, on a limited basis, to non-music majors. Please see the Department Chair for more details.

## Theatre

UJ provides opportunities for students to participate in main stage productions, as well as student productions, in the Reiland Fine Arts Center. Students of any major may be cast in productions and also have opportunities to work on-stage or backstage.

## Student Activities: Lyngstad

*Campus Extension: 5800*

There are many student activities and fun events planned for UJ students throughout the school year. Student activities and events are posted on bulletin boards all over campus, on table tents in the Dining Center, on the online calendar of events, various social media accounts, and in the What's Happening e-mail. More information can be found at the Student Activities Office located on the first floor of Lyngstad Hall.

## Organizations

There are a variety of social and cultural organizations available on-campus for student participation. University-recognized organizations are operated depending upon student interest, skill and the availability of a staff or faculty advisor. To learn how to join a campus organization or group, stop by the Office of Student Affairs in Lyngstad Center or check out the Campus Organizations web site. To start a new campus organization that is officially recognized by UJ, work with the Director of Student Affairs in Lyngstad 111-E. The Student Organization Advisory Committee of the Student Senate will review all applications for the purpose of recognition as an official campus organization. A detailed list of services provided to officially recognized campus organizations can be found in the Student Org. Handbook. Officially recognized campus organizations can submit requests to the Student Senate for funding from the Campus Organization Fund.

## Student Senate

The Student Senate is the governing body that represents all UJ students. Student Senate is made up of an Executive Board as well as the general body made up of Class Representatives. Participation in Student Senate is open to all UJ full-time students. This organization initiates student reforms, appoints students to most university committees, and represents the best interests of students in many university matters. All students are encouraged to become involved with the Student Senate which meets every Tuesday at 11 a.m. in the U-S 132.

# Academic and Administrative Policies

## Absence

UJ recognizes that there are times when you may miss a class or be absent due to illness or other circumstances. It is up to you and your instructor to work out problems that occur when classes are missed. The following policy is an attempt to minimize conflicts between co-curricular activities and the academic curriculum.

1. Absence due to participation in scheduled extra or co-curricular events shall be designated as an “excused absence.”
2. A calendar of scheduled extra- and cocurricular events shall be submitted to the President for his/her approval and then published and distributed to all students and faculty at the earliest opportunity in each semester; while it is recognized that some activities must be rescheduled on short notice (i.e., rain games in baseball), and that such rescheduling will not be reflected in this initial calendar, it will give both students and instructors a rough estimate of the number, times and participants in scheduled excused absences.
3. Each instructor shall make known to all students at the beginning of each semester (preferably, as part of the syllabus), the policies on attendance for the class, including how attendance is used in grade computation, methods by which tests and other assignments may be made up and what notice should be given (where possible) for scheduled excused absences. This policy shall contain some provision for make-up work for excused absences; the specific procedure is at the instructor’s discretion.
4. Instructors shall also make explicitly clear, at the first opportunity, the extent to which class participation is requisite to the learning experience in that class. Students anticipating numerous excused absences (as per the calendar in #2) should confer with the instructor; if, in the conference, it is determined the number of probable absences exceeds a number deemed reasonable for the demands of the course, the student should be advised to reschedule the course for a different time, semester or even year, when conflicts will be less evident.
5. Students shall, at the earliest opportunity (one week prior is preferable, but may be impossible in some

cases), contact the instructor to make arrangements for any exams or other assignments which will be missed, unless the instructor’s stated policy (as in #3) specifies that no prior notice is required.

6. Any conflicts shall, whenever possible, be resolved among the student, instructor and sponsor of the event; this shall, in any case, be the first avenue of attempted resolution. If resolution is not possible, the sponsor of the event and the instructor will meet with the Provost and President, who will hear both sides and issue a ruling on the particular point in question.
7. It shall be an on-going and consistent policy of the administration and of all persons and committees involved in scheduling extra- and co-curricular activities to make every effort to minimize conflicts with regularly scheduled classes.
8. Each co-curricular adviser or coach shall furnish to the Provost’s Office a list of participants for any event which requires students to be absent from class. The list should be submitted at least seven (7) days prior to the event and will be distributed to all faculty by the secretary to the Vice President for Academic Affairs.

## Academic Dishonesty

At UJ, we operate in an atmosphere of mutual trust between and among instructors and students. Sometimes this trust is violated through the intentional or accidental misrepresentation of facts, ideas, or data by members of the academic community. Such misrepresentations are violations of the Academic Integrity Policy. There are three main types of violations: cheating, inappropriate collaboration, and plagiarism.

Cheating involves the misrepresentation of knowledge or experience. For example, if students use unauthorized materials during an examination (for instance, by looking at other students’ exams, obtaining the questions in advance, and so on) they are falsely representing themselves as having recalled material or reasoned correctly, when, in fact, they did not. If students fake the data in a laboratory experiment, they are falsely suggesting that they acquired information in accordance with prescribed procedures.

Inappropriate collaboration involves presenting academic work as one’s independent effort when it includes

significant elements of the work of others. When important ideas or actual phrasings in an academic work belong to an unnamed colleague, misrepresentation has occurred. It is dishonest for one student to write some or all of another student's paper or presentation. It is equally wrong for one student to develop key ideas for a project that is represented as the work of another. Inappropriate collaboration is a violation for which both or all parties will be held accountable.

Plagiarism involves both theft and cheating. When someone appropriates, for use in formal course work, the wording, phrasing, or ideas of another, an either accidentally or intentionally fails to acknowledge the debt, it is considered theft. Plagiarism is also cheating in that one is creating a false impression about one's own intelligence, ability, and achievement. If students are unsure about what constitutes plagiarism, they should seek help from their instructors, the Writing Center, and refer to appropriate handbooks.

## Administrative Withdrawal

Students are expected to be properly registered for courses and to abide by all drop/add and late registration procedures and deadlines stated in the UJ catalog and/or communicated by the Registrar. Students are also expected to attend all courses in which they are enrolled.

In certain circumstances, a student may be administratively withdrawn from their courses. Although the college reserves the right in each instance to determine when administrative withdrawal appears appropriate, normally this process will be initiated when a student is not attending the courses for which he or she is registered or when attendance and work for over half of those courses are erratic. Administrative withdrawal will only take place after one or both of the following conditions have occurred:

- The student does not respond appropriately to reasonable requests from faculty instructors, his/her advisor, the Registrar, the Dean, and other University personnel for explanation of nonattendance.
- The student is on academic probation and is not following through with expectations for academic recovery.

If the student has authorized disclosure of educational records to his/her parent(s)/guardian(s) under FERPA, the student's parent(s)/guardian(s) may be notified.

## Cancelled Classes

Classes will always be held as scheduled unless cancelled officially by the President of the University and/or the Dean(s) of the University and/or the Vice President for Business Affairs. Instructors may also individually cancel their own classes as they see necessary.

Classes will be cancelled for a day (or part of a day) only when it is determined by the above-mentioned persons that conditions warrant such action. Some examples of such conditions are:

1. Snow and wind (possibly with extreme cold and wind chills) make the clearing of campus streets and walkways (and keeping them reasonably clear) impossible or impractical.
2. A majority (or a very large minority) of University personnel are unlikely to be able to report for work due to weather conditions.
3. Civil authorities mandate closing of all businesses and institutions in Jamestown due to extreme safety hazards.

If classes are called off due to extreme weather conditions, announcements will be made over Jamestown radio stations not less than one hour prior to the beginning of the class(es) or event(s) to be cancelled. If you are in doubt, listen to one of the following radio stations: KQDJ-AM 1400, KSJB-AM 600, KSJZ-FM 93.3, or KYNU-FM 95.5. An announcement will be posted on the University web site and distributed via e-mail and/or the emergency cell phone texting system.

## External Fundraising

### Statement of Purpose

The purpose of stipulating fundraising guidelines for all University of Jamestown organizations is to provide an awareness of the need to coordinate initiatives to raise money with the Office of Development and Alumni Relations. These guidelines will ensure that well-formulated plans and realistic goals will be adopted and will avoid misunderstanding among our donors. Prior to filling out a Fundraising Application, note that:

- Fundraisers may be held only by student organizations recognized by the University.
- The purpose for which funds are being raised must be consistent with the purpose of the recognized student

organization, and of the University, and must be included in all publicity regarding the fundraiser.

- Door-to-door solicitation is not permitted.
- The use of Go Fund Me and other online crowdfunding platforms is not permitted.
- The use of personal fund-share accounts (Venmo etc.) accounts to collect funds is not permitted.
- The solicitation of any business or corporation without prior approval is strictly prohibited.
- Raffles or Gaming outside the University of Jamestown's Gaming Permit is strictly prohibited. The

## Filing of Applications

All campus organizations who seek exchange of money for goods and services that will benefit such organizations are required to file a Fundraising Application that must be approved by:

1. The organization's Faculty or Staff Advisor;
2. The Provost, Athletic Director, or Dean of Engagement and Student Affairs; and
3. A Development and Alumni Relations Office representative.

## Filing Procedures

Thirty days prior to the fundraising event, submit a Fundraising Application to your organization's advisor.

After they sign it, they will submit it to the Provost, Athletic Director or Dean of Engagement and Student Affairs (whichever office is the supervisor for your group or organization) describing the event or project, date of the event or project, your audience (alumni, local businesses, corporations, grants, friends, family and nonalumni), how the funds will be used and the type of funding you are seeking (e.g. cash, services, donated products, etc.). The supervising office must submit the Fundraising Application to the Office of Development and Alumni Relations for final approval. If one plans to publicize a fundraiser off-campus or via social media, the Director of Design and Publications must also be notified.

## Final Review and Approval or Denial

The Office of Development and Alumni Relations will review your application, and will notify the advisor and the student contact listed on the Fundraising Application as to

approval or denial of your request.

A Development and Alumni Relations representative may request to visit personally with a representative of the student organization and the organization's advisor prior to approving or denying a request.

## If Approved, After the Event

All Funds raised must be immediately turned into the business office for deposit into organization's club account.

Any fundraiser utilizing a raffle or other form of fundraising that affects the University of Jamestown's Gambling Permit will be required to submit a Fundraising Report (available from the DAR office).

## Consequence of Non-Compliance

Not complying with the above guidelines may result in forfeiture of funds raised and/or reduction in the organization's budget.

## Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.) These rights include:

1. The right to inspect and review the student's education records within 45 days after the day UJ receives a request for access.  
A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

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

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

3. The right to provide written consent before the University discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent, such as (this list is not inclusive):

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

The University discloses education records without a student's prior written consent under the FERPA exception to authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the university's State-supported education programs. Disclosures under this provision may be made in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.

The University discloses education records without a student's prior written consent under the FERPA exception to accrediting organizations to carry out their accrediting functions.

The University discloses education records without a student's prior written consent under the FERPA exception to officials of another school where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer.

The University discloses education records without a student's prior written consent under the FERPA exception to appropriate officials in connection with a health or safety emergency.

The University discloses education records without a student's prior written consent under the FERPA exception to comply with a judicial order or lawfully issued subpoena.

The University discloses education records without a student's prior written consent under the FERPA exception for information the school has designated as "directory information."

The University discloses education records without a student's prior written consent under the FERPA exception to organizations conducting studies for, or on behalf of, the school, in order to (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.

The University discloses education records without a student's prior written consent under the FERPA exception in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. Such organizations include Veterans Administration, Social Security, Vocational Rehabilitation, Bureau of Indian Affairs, etc., and scholarship foundations.

The University may disclose education records without a student's prior written consent under the FERPA exception to parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance if the University determines the student committed a disciplinary violation and the student is under the age of 21.

The University discloses education records without a student's prior written consent under the FERPA exception to a victim (complainant) student of discriminatory or harassing behaviors or other acts of violence or non-forcible sexual offenses. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding.

4. The right to request the following categories of directory information not to be made public:

- Name
- Address
- E-mail address
- Phone number
- Height and weight of members of athletic teams
- Date and place of birth

- Major field of study
- Minor field of study
- Dates of attendance
- Class level
- Enrollment status (undergraduate or graduate; full-time or part-time)
- Names of previous educational agencies or institutions attended
- Participation in officially recognized activities and sports
- Honors and awards received
- Degrees earned
- Date of degrees earned
- Photographic, video, or electronic images of students participating in public events (e.g., sporting events, concerts, theater performances, etc.) taken and maintained by the institution

Be aware that information used in college publications may be collected in advance of their printing. Any student wishing to request nondisclosure of Directory Information must inform the Office of the Registrar in writing within ten (10) days of the beginning of the term.

Please consider carefully the consequences of your decision to withhold the release of directory information. Once you inform the University not to release this information, future requests from non-University persons or organizations will be refused. The University will not contact you for subsequent permission to release this information after it has been restricted and assumes no liability for honoring your instructions that such information be withheld. This request will remain in effect permanently until revoked in writing by you. Should you decide to withhold Directory Information, you may authorize at a later date on a transaction-by-transaction basis the release of directory or non-directory information (for example, the release of a transcript for employment purposes), or you may cancel the request to withhold directory information all together by submitting in writing to the Office of the registrar.

5. 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.

## Missing Student Policy and Procedure

UJ takes student safety very seriously. To this end, the following policy and procedure has been developed in order to assist in locating Jamestown student(s) living in university-owned, on-campus housing who, based on the facts and circumstances known to the University, are determined to be missing. This policy is in compliance with Section 488 of the Higher Education Act of 2008.

Most missing person reports in the university environment result from a student changing his/her routine without informing their roommates and/or friends of the change. Anyone who believes a student to be missing should report their concern to the Public Safety department or the Office of Student Affairs. Every report made to the campus will be followed up with an immediate investigation once a student has been missing for 24 hours.

Depending on the circumstances presented to University officials, parents or guardians of a missing student will be notified. In the event that notification is necessary, the Dean of Students will place the call.

At the beginning of each academic year, each student living on campus will be asked to provide, on a voluntary basis, emergency contact information in the event s/he is reported missing while enrolled at the University of Jamestown. This emergency information will be kept in the Office of Student Affairs. If students wish to change or update their emergency information, they will contact the Residence Life department.

## Parking

A parking permit is not required to park your vehicle on campus, but you are responsible to operate your vehicle according to state and local laws as well as rules and regulations established by the University.

## Parking Areas

You may use any parking area not designated for faculty, staff, visitor, handicapped-only or reserved parking. You are prohibited to park on grassed areas or walkways. Vehicles parked in these areas or in other areas marked "no parking" will be towed away at the owner's expense.

According to state law, the minimum fine for parking in a handicapped-only area without a handicap permit is \$100. This will be added to the student's account and/or be towed immediately.

## Winter Parking

Winter parking spots with outlets are available by making a reservation at the Business Office in Taber Hall. With an \$80 reservation fee, a spot is reserved from Nov. 1 to April 1. There are plug-in parking spots in Kroeze and Prentice parking lots.

## Vehicle Operation

Reckless operation of vehicles endangers the campus and will not be tolerated. Loud radios, squealing tires, faulty mufflers and excessive sounding of horns disrupt the campus. Please operate vehicles with consideration for others. When driven on campus, motorcycles must be confined to the roadway and they must be parked in the parking lots. Guests' (friends and relatives) automobiles should be operated in accordance with campus regulations.

## Tickets and Fines

The Jamestown Police Department (JPD) and UJ Campus Safety will issue tickets when a vehicle is operated or parked in violation of University or city regulations. If you are written a ticket from the JPD, a copy of the ticket issued is filed at the JPD. These fines are to be paid at the JPD. Any questions about tickets/fines should be directed to the JPD, Traffic Division. If you are written a ticket/warning from UJ Campus Safety, there are instructions on the ticket if there is a fine or if you are going to be towed.

## Tobacco-Free Campus

In the interest of promoting a healthy, substance-free environment on the UJ campus, and the proven risks associated with exposure to secondhand smoke, UJ is a tobacco-free campus: The use of tobacco in any form including but not limited to electronic e-cigarettes, chewing tobacco, cigarettes, cigars, and hookahs, are prohibited on all university properties, with the exception of personal vehicles only. If a student is found responsible for using tobacco on-campus or at a university sponsored event they will be accountable for sanctions outlined in the UJ Standards of Conduct.

For the purpose of this policy, "smoking" is defined as inhaling, exhaling, burning, or carrying any lighted or

heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation in any manner or in any form. Smoking also includes the use of an e-cigarette which creates a vapor in any manner or any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Policy.

## **University of Jamestown Name**

Without the University's prior, written consent, you may not, under any circumstances, use the name "University of Jamestown" in any form or use any symbol, logo or graphic used by or associated with University of Jamestown in an official capacity. In addition, the use of any item that is confusingly similar to any symbol, logo or graphic used by the University is also subject to consent by the University. It is recommended that you use a disclaimer suggesting that any content, your opinions, thoughts, etc., do not represent official University of Jamestown policy/opinion. Any attempt to use items without consent is a violation of the University's policies and may be subject to other sanctions.

# Standards of Conduct

## Conduct Goals and Standards

It is the intention of UJ Standards of Conduct to clarify acceptable standards of behavior essential to the university's educational mission and its community life. While the code is comprehensive and applicable to all students, it is not written with the specificity of a criminal statute, it is not an exhaustive attempt to codify every possible type of problematic behavior, and it is not a contract between the University and its students. Each student will be treated as an individual within the disciplinary process, with the goal of enhancing his/her growth in various areas, including those of developing responsibility for discipline and behavior. Because of the individual nature of students, their behaviors, and the particular circumstances involved, the University may not in every situation be able to follow this code precisely and reserves the right to deviate from the policies and statements as deemed necessary from time to time.

## Standards of Conduct

The following forms of conduct are prohibited by UJ and are subject to student conduct proceedings. Attempts to commit acts prohibited by this Code shall be punished to the same extent as completed violations. Student conduct action may be taken in addition to actions which may be taken by civil or criminal courts.

## Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community to enforce the Code of Student Conduct both on and off the University premises. Students have the responsibility to conduct themselves in a manner that demonstrates their respect for the rights of others. Also, individuals engaging in activities off-campus have a responsibility to conduct such activities within the laws and ordinances of the community. Violations of University policies off-campus may be considered a violation of the UJ Standards of Conduct where such violation interferes with the mission of the University and presents a danger to the health, safety and well-being of others. For example, students accused of violating a federal, state and/or local drug laws on or off-campus which is considered a felony under federal, state or local law, may face action under the University Code of Conduct, including interim suspension pending a University hearing, prior to or concurrent with

any criminal proceeding.

## Violations of Law and Student Conduct Regulations

Students may be accountable to both civil authorities and to the University for acts which constitute violations of law and of this Code. Student conduct proceedings at the University will normally proceed while criminal proceedings are pending and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

## Information Technology Use Policy

UJ has made a commitment to making a variety of information technology resources available to everyone within the University community. At the same time, the University is committed to making sure these resources are used in the manners consistent with its educational mission. As a member of this community, you are expected to follow these guidelines, policies and procedures when making use of the technology on campus and that technology which is accessible from our campus. These policies have been adopted by the University in an effort to protect the rights of any individual or group which utilizes these resources or any third party who may be affected by the use of our systems or networks. UJ maintains Internet access to a vast number of local and national sites to promote the creation and dissemination of information and sharing of ideas. It is critical, however, that the University's systems be used in an ethical manner which fosters the goals and objectives of UJ. Any information or use of these resources that would be considered unethical or unacceptable in the eyes of the University will be considered unacceptable for any user of the University's system.

Any personal computer hooked into the campus network must have current anti-virus software and be kept up to date with software and security patches. UJ has an agreement with McAfee for anti-virus software. If you do not have anti-virus software, you may install this software on your personal computer for no cost. Arrangements for installing the software can be made by contacting the University's IT help desk at x5611 or [helpdesk@uj.edu](mailto:helpdesk@uj.edu).

UJ uses NAT addressing for security. The University does not guarantee, nor support, the operation of online games, computer or console.

Peer-to-peer file sharing and the unauthorized distribution of copyrighted material on UJ's network is prohibited. Violation of this policy can result in fines, removal of internet access or other disciplinary action. Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially the Frequently Asked Questions section at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

Personal Ethernet routers and switches are permitted on campus; however, they may not function as wireless access points as it will interfere with the campus wireless systems and other users' ability to access said systems.

## General Technology Use Guidelines

This policy includes the following guidelines, and requires that each member of the campus community abide by the following:

1. Respect the rights of others to freedom from harassment or intimidation: Causing the work or university experience of others to be disrupted by sending abusive or unwanted material is a violation of University policies and may violate the law; therefore, it is unacceptable.
2. Respect copyright and other intellectual property rights: The copying of files, passwords or information that is owned by someone else without appropriate permission will be considered a violation of University policies, a violation of the law, and may constitute fraud, plagiarism or theft. All software licensed by the University must be used only in

accordance with applicable license agreements.

3. Identify yourself clearly and accurately in electronic communication: The use of false or unauthorized identifications or affiliations appears to dissociate you from responsibility for your actions and is considered inappropriate.
4. Abide by security restrictions on all systems and information: The security measures and mechanisms have been established to protect individuals and information. Any attempt to disrupt or otherwise circumvent these security provisions, or to assist others to do so, is a serious violation of University policies.
5. Use resources efficiently: All computing equipment, network resources and user accounts are owned by UJ and are to be used exclusively for University-related activities. This includes legitimate instructional, research, administrative and other approved activities. UJ reserves the right to access personal storage on the University's system if an unlawful act, or a violation of University policies, is suspected.
6. Recognize limitations to privacy in electronic communications: When utilizing electronic communications, it is important to remember that, although you specify an audience for your communications, the nature of electronic communication allows for a much wider viewing audience. The security of electronic information on shared systems and networks is approximately that of paper documents in an unsealed envelope - generally respected, but able to be breached by someone determined to do so.

## Online and Social Media Conduct

### Passwords

Passwords are utilized to grant access to online networks to authorized members only. It is the responsibility of each and every member to hold these passwords in confidence and not disclose them to any other member or third party. You will be held responsible and will be liable for any harm resulting if you disclose or allow disclosure of passwords. Attempting to bypass system security by the use of unauthorized passwords is a violation of UJ policy and will be dealt with accordingly.

**Offensive Communication:** Any use of vulgar, abusive or offensive language (as perceived by the recipient of the communication) is strictly prohibited.

**Harassment:** Using online systems, social media or other resources (i.e. text messaging) to target an individual or group with the intent of causing distress, embarrassment, injury, unwanted attention or other substantial discomfort is harassment and is prohibited. Personal attacks based on an individual's race, national origin, ethnicity, handicap, religion, gender, veteran status, sexual orientation or any other such characteristics or affiliations are prohibited.

**Offensive Graphic Files/Audio Files:** The transmission (i.e., uploading, downloading, posting, linking to) of sexually explicit images or other content the University deems offensive is prohibited. Unsolicited transmission of these materials may constitute harassment, and as such, is prohibited. Furthermore, such material may be deemed illegal and transmitters of such material may be subject to local, state and/or federal legal action.

**Social Media Networks:** All UJ students are responsible for the content of their online social networks. The University, as a general rule, does not patrol online media for student conduct. Students should be apprised that although UJ administration has no policy to either patrol or monitor online social networks, violations of university policy (e.g. harassing language, drug violations, or alcohol violations) discovered on online social networks are nevertheless subject to investigation and penalty. The University reserves the right to handle incidents on online social networks expressly contrary to UJ student conduct policy at the discretion of the University administration on a case-by-case basis.

The use of "UJ" is strictly prohibited in any social media accounts, including but not limited to: all forms or use any symbol, logo or graphic used by or associated with UJ in an official capacity without prior consent of the Office of Marketing and Communications. In addition, the use of any item that is confusingly similar to any symbol, logo or graphic will require prior approval. The UJ Name policy can be found under the "Academic and Administrative Policies (p. 21)" section of this handbook.

**Impersonation:** Communicating information while utilizing a false identification or an identification that you are not authorized to use is prohibited.

**Improper Advertising, Solicitation:** Use of any on-line network to send unsolicited advertising, promotional material or other forms of solicitation to others is prohibited, except when permitted by law, not prohibited by University policies and in those areas that are designated for such a purpose, for example, a classified ad area. Use proper e-mail lists to avoid spamming.

**Personal Websites and Blogs:** Content of personal homepages is the responsibility of the account owner. Any content on personal homepages or blogs that violate school policy will be subject to immediate removal - this includes, but is not limited to, images, sounds or linking to any pages with content that violates UJ policy or general community property.

**Disruption or Degradation:** Any deliberate attempt to disrupt or degrade network services or performance, whether local or remote, is considered unacceptable. Any equipment connected to the university network must be "clean" systems – current with all software updates and have anti-virus protection. Extensive use of the network (i.e., intra/internet gaming, excessive downloading of MP3s or other programs not in accordance with the goals of the University) resulting in degradation of system resources is a violation of University policy. Connecting unauthorized equipment to the campus network, deliberately wasting/overloading computing resources (i.e., printing too many copies of a document) or the overuse of interactive network utilities will be considered violations of UJ's acceptable use policy.

## **E-Mail Policy**

### **University use of email**

Email is an official means for communication within UJ. Therefore, the University has the right to send communications to faculty, staff and students via email and the right to expect that those communications will be received and read in a timely fashion.

### **Assignment of email addresses**

Information Technology (IT) will assign all faculty, staff and students an official University email address. It is to this official address that the University will send email communications. This official address will be the email address listed in University directories and business cards.

### **Redirecting email**

The University recommends that faculty, staff and students use the University's email system; however, faculty, staff or students may have email electronically redirected to another email address. If faculty, staff or students wish to have an email redirected from their official address to another email address (e.g., @gmail.com, @hotmail.com) they may do so, but at their own risk. The University will not be responsible for the handling of email by outside vendors. Having an email redirected does not absolve a faculty member, staff member or student from the

responsibilities associated with communication sent to his or her official email address.

### **Email communications expectations**

Faculty, staff and students are expected to check their official email address on a frequent and consistent basis in order to stay current with University communications. The University recommends checking email at least once a day, in recognition that certain communications may be time-critical and respond appropriately and promptly to any request from a University official.

### **Misuses of email**

In general, email is not appropriate for transmitting sensitive or confidential information unless an appropriate level of security matches its use for such purposes.

Using electronic mail for illegal activities is strictly prohibited. Illegal use includes, but is not limited to: obscenity; child pornography; threats, harassment; theft; attempting unauthorized access to data or attempting to breach any security measures on any electronic communications system; attempting to intercept any electronic communication transmission without proper authority; and violation of copyright, trademark or defamation law.

In addition to illegal activities, the following electronic mail practices are expressly prohibited: entry, examination, use, transfer, and tampering with the accounts and files of others, unless appropriately authorized pursuant to this policy; altering electronic mail system software or hardware configurations; or interfering with the work of others or with University or other computing facilities.

University electronic mail services may not be used for non-university commercial activities, personal financial gain, non-approved charitable activities, or for the advancement of any political agenda.

Electronic mail users shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of the University or any unit of the University unless expressly authorized to do so.

University email services may not be used for purposes that could reasonably be expected to cause, (directly or indirectly) strain on any computing facilities, or interference with others' use of electronic mail or electronic mail systems.

### **Mass Emailing**

Mass email messages are a useful and convenient way of informing the campus community. However, their potential for unnecessarily consuming resources and cluttering campus inboxes require that senders of such messages adhere to some guidelines. As such, mass emails must be approved or sent by authorized users only. A mass emailing is an unsolicited email message sent to a group of otherwise unrelated campus email addresses. For example, sending a message to all faculty or all students would be considered a mass emailing. Whether such messages are sent by using a personally constructed list of addresses or a system-generated list, such as [staculty@uj.edu](mailto:staculty@uj.edu), makes no difference in the effect or applicability of this policy. Sending a message to members of a club or a group of friends does not constitute a mass emailing. Sending messages to groups, committees, or divisions also does not constitute a mass emailing.

### **Use of university-wide and campus email distribution lists**

University email is only for official university business. Use of University-wide email distribution lists should be used for information important to all members of the university community. Use of the distribution lists for personal reasons, community event advertising or other events/information that does not directly involve the entire campus community is prohibited.

Faculty, staff, and student e-mail distribution lists are not made available to outside organizations other than as specified by legal or policy requirements.

### **Technology Violations**

Suspected or known violations of policy or law should be reported to the appropriate supervisory level for the operational unit in which the violation occurs. Alleged violations will be evaluated by the appropriate University authorities and/or law enforcement agencies. Violations may result in various actions, including but not limited to Academic Dishonesty or Code of Conduct proceedings, faculty, staff or student disciplinary action up to and including dismissal, referral to law enforcement agencies; or other legal action.

### **Falsification of Information**

Falsification of information includes providing any false or misleading information, written or oral, in a manner which has the intent or effect of deceiving authorized University personnel, including members of student conduct panels, or of altering or falsifying official institutional records. Misrepresentation of oneself or of an organization as an

agent of the University will also be considered a violation of this section.

## Obstruction of the Rights of Others

The University is committed to the maintenance of freedom of speech, press, expression, association, and access to the established educational facilities and processes. At the same time, the University will not tolerate willful efforts of individuals or groups to limit the exercise of those freedoms by others or to disrupt the normal processes by which the University fulfills its educational mission. Accordingly, University action and/or appropriate public law enforcement action will be taken against persons who willfully limit the protected freedom of others through disorderly assembly, disorderly picketing, obstruction of free speech, press, expression, assembly or access to the facilities and processes of the University.

## Disruptive Behavior

The University will not tolerate disorderly or disruptive conduct which substantially threatens, harms, or interferes with University personnel or orderly University processes and functions. Disruptive behavior includes indecent exposure, lewd behavior, bomb threats, false fire alarms and any other actions which disrupt normal University functions, activities and processes. A faculty member may require a student to leave the classroom when his/her behavior disrupts the learning environment of the class. A student found responsible for disruptive behavior in the classroom may be administratively withdrawn from the course.

## Discriminatory Conduct

Acts of violence (including non-violent discriminatory acts) directed against individuals, groups, or institutions because of gender, race, religion, ethnic background, or sexual orientation which may result in physical injury or property damage will not be tolerated by UJ. Students found responsible for committing discriminatory conduct will be subject to the UJ Standards of Conduct.

## Violence to Persons/Physical or Verbal Assault

The University will not tolerate acts of violence to other persons by individuals or groups. Acts of violence for the purposes of this section include assault, battery, and/or actions in reckless disregard of human life and safety.

Assault includes but may not be limited to, verbal or written acts which place a person in personal fear or which have the effect of harassing or intimidating a person. Battery includes the unauthorized touching of another person.

Students found responsible for violence to persons involving serious physical injury will be subject to a recommendation by the Dean of suspension or expulsion from the University.

Acts of dating, relationship, or sexual violence towards students are addressed under the University's Title IX Policy, found elsewhere in this handbook.

## Theft, Destruction and/or Abuse of Property

The University will hold individuals or groups responsible for intentional or negligent acts involving completed or attempted damage to, abuse of, or theft of University or private property. The term "theft" includes, but is not limited to, any act of shoplifting of University property whereby a person removes, possesses, conceals, alters the price tags or labels on, tampers with containers of, or otherwise appropriates goods or merchandise without authorization or proper payment. For the purposes of this section, property offenses include, but are not limited to, (a) malicious destruction, defacement, damage or misuse of University property or of private or public property; (b) misuse of any University issued property, e.g., ID cards, athletic equipment, etc.; (c) littering on campus; and (d) illegal parking or obstructing traffic on University property. Individuals or groups found responsible for theft, destruction or abuse of property may be required to make just restitution for the loss of damage in addition to other sanctions which might be imposed.

## Firearms/Explosives/Weapons

Any type of weapon is prohibited on campus. Weapons are defined as device, instrument, material, or substance which is calculated or designed to inflict serious bodily harm; including but not limited to such items as live firearms, firecrackers, bottle rockets, switch knives, slingshots, archery equipment, paintball guns, etc. These items are not to be kept or brought onto campus. Since these items directly affect the health and safety of the residents, anyone found with these items will be subject to immediate expulsion from UJ.

Folding pocket knives under 4 inches from the base of the blade to the tip are permitted. Kitchen knives and other

implements whose primary design function is culinary in nature are permitted. These implements are required to be stored safely and correctly when not in immediate use by the owner.

Concealed carry permits are not honored on campus and as such, concealed weapons of any kind are not permitted. Exception to these weapons policy is made for on-duty public law enforcement personnel carrying a live firearm in the normal course of employment of a recognized public law enforcement agency.

Firearms used for wildlife hunting or for the Shooting Sports program may be brought on campus with specific regulations. The weapons must be stored in a locked personal vehicle, stored safely and correctly out of sight, or stored with the Shooting Sports program. Firearms specifically must be completely unloaded; safety on; magazine, clip, and/or all ammunition removed from the firearm and separately stored, and firing chamber open, if possible by the design of the firearm, with a chamber flag inserted correctly.

In addition, replica guns, Nerf guns, water guns, etc., are prohibited from campus as they can be destructive to property and potentially threaten the health and safety of the community members. Anyone found with these types of items could be subject to suspension, expulsion, and/or other sanctions.

Fireworks are considered explosive devices and are not permitted on campus except when approved by the University administration for official functions.

Any object employed in a violent manner may be considered as "use of a weapon." Since these items directly affect the health and safety of the students, anyone found with these items will be subject to immediate expulsion from UJ.

## Emergency Protocols

In the case of any emergency or urgent situation, contact 911 and then report to Campus Safety or any University official or Residence Life staff.

UJ prohibits the tampering with, removal of, setting off or damage to fire equipment or alarm systems in any University building when no fire or immediate danger of fire exists. In addition, violations of other campus safety regulations are prohibited by this section. These include, but are not limited to;

1. setting unauthorized fires and or improvised

explosive devices;

2. turning in false fire alarms or reporting the false presence of explosive devices; and
3. failure to properly evacuate a building during a fire drill. Violators are subject to stiff fines, removal from the residence hall and to suspension and/or expulsion from the University, and/or referral to the criminal court system.

Tampering with fire alarms, fire extinguishers or smoke/heat detectors is also a criminal misdemeanor punishable by up to a \$500 fine, 30 days in jail or both. Anyone caught tampering with the fire equipment will be turned over to the criminal authorities. Arson is a felony offense. Anyone involved in an act of arson will be turned over to the civil authorities for prosecution. If a student intentionally causes a fire alarm to sound, disciplinary action will be taken. It is a Federal offense to not vacate the building during a fire alarm. Please identify fire alarm meeting locations outside your building.

## Fire Emergency Protocols

Building evacuation procedural guidelines (in effect whenever an alarm has been sounded):

1. Lights on in room
2. Doors shut
3. Windows closed
4. Curtains open

All individuals should:

1. Wear shoes and carry or wear a coat.
2. Walk in single file to the outside of the building and get at least 50 feet away from the building.
3. Meet at the meeting place posted throughout the building.
4. Remain outside until a Residence Hall staff member gives permission to re-enter the building.

In case of fire:

1. Sound the alarm for the building.
2. Notify the Fire Department (dial 911).
3. Advise Campus Safety or a Resident Assistant, Assistant Resident Director or Resident Director that

a fire exists as soon as possible.

## **Tornado Emergency Protocols**

### **Tornado Alert System**

All faculty, staff, and students should become familiar with the two types of severe weather conditions and what actions should be taken in the event of either.

### **Tornado Watch Condition**

A Tornado Watch Condition means that a tornado could develop in the general area. The University may receive a notice of this condition in several ways—through our own weather radio monitoring or through public broadcasts. At this time the Custodian or supervising staff for each building will unlock designated “Tornado Shelters” for the possibility of the Tornado Watch if the rooms are not already unlocked or if it is after hours. When a tornado watch is in effect, this information will be passed to each department and division by telephone through the Campus Voice-Over-IP Telephone System, campus email. Normally, classes will not be interrupted; but the notice should be circulated to all faculty, staff, and students as soon as feasible.

During a Watch Condition, continue with your routine activities but be prepared to take protective measures. The notification process changes somewhat overnight. During periods of inclement weather, our campus security will monitor the weather network. When a watch is issued, he will notify the Residential Staff, Dean, and VP for Business Affairs. The Resident Directors notify everyone in their respective buildings that a watch has been issued and start unlocking doors to designated areas.

### **Tornado Warning Condition**

A Tornado Warning means that a tornado has actually been spotted in the general area. Tornadoes come and go so quickly that there may not be time for a warning. When in doubt, take cover. In case of a tornado warning, instructors or their designees are responsible for aiding persons with disabilities.

When the National Weather Service issues a tornado warning, the outside public address system will be activated and a message will be broadcast, as well as the Campus Emergency Notification System will immediately be activated. All employees, students and visitors should be directed to enter the nearest shelter.

### **Tornado shelter areas by building on UJ Campus:**

Whenever possible it is best to proceed to the following basement locations:

- Raugust Library
- Reiland Fine Arts Center (green room)
- Hansen Center lower level

If the weather is too dangerous to reach the locations listed above, seek shelter in the building you are in or nearest. Go to the first floor. Do not use elevators.

Badal/Nafus – Hallway and restrooms by cafeteria  
 Campus Apartments – 1st floor interior hallway  
 Chapel – Basement  
 Foss Wellness – Head to Orlady basement  
 Hansen Center – Lower Level  
 Kroeze – Lower level lounge and rooms  
 Larson Center – Interior locker rooms  
 Lyngstad – Conference room 108  
 Nierling – 1st floor interior hallways  
 Newman Arena – Locker room areas below ground  
 Orland/McKenna Thielsch – Lower level hallways  
 Physical Plant – Head to Orlady basement  
 Prentice – 1st floor interior hallway  
 Raugust Library – Basement  
 Reiland – 1st floor interior practice rooms and restrooms – Basement (Green Room)  
 Seibold – 1st floor interior hallway  
 Sorkness – Basement or 1st floor interior hallway  
 Taber/Liechty Hall – Lower level interior hallway  
 Unruh/Sheldon – 1st floor restrooms/interior hallway  
 Watson – Basement or 1st floor interior hallway  
 Wilson – 1st floor interior hallway  
 Wilson Arena – Locker rooms

Please note that you should stay away from walls with windows, exterior walls, and glass doors if possible.

## **Hazing**

UJ opposes any situation created intentionally to produce mental and physical discomfort, embarrassment or ridicule. The University does not condone hazing in any form. Violators of this policy are referred for appropriate student conduct action. Hazing is defined by the UJ Student Conduct System as “any activity or action which subtly, flagrantly or deliberately demeans, embarrasses, threatens, invites ridicule or draws inappropriate or negative attention to a member, and/or an attitude which implies one member is superior to another, or that initiation must be earned through personal services or meaningless activities for initiated members. Furthermore, hazing may consist of

actions which result in the impairment of academic performance or of the proper fulfillment of obligations to University sponsored groups or activities.” Implied or expressed consent of a student to hazing may not be used as a defense. Actions and activities which are explicitly prohibited include, but are not limited to, the following:

1. Any activity that might reasonably bring physical harm to the individual.
2. Paddling, beating or otherwise permitting members to hit other person(s).
3. Requiring person(s) to wear degrading or uncomfortable garments.
4. Depriving person(s) of the opportunity for sufficient sleep (8 consecutive hours per day minimum) and decent and edible meals.
5. Activities that interfere in any way with an individuals’ academic efforts; e.g., causing exhaustion, loss of sleep, or loss of reasonable study time.
6. Activities that interfere with an individual’s education, employment or family obligation.
7. Requiring or encouraging person(s) to consume amounts of alcohol or other drugs.
8. Forcing, coercing, or permitting students to eat or drink foreign or unusual substances such as raw meat, raw eggs, salt water, onions, etc.
9. Having substances such as eggs, mud, paint, honey, etc. thrown at, poured on, or otherwise applied to bodies of person(s).
10. Morally degrading or humiliating games or any other activity that make an individual the object of amusement, ridicule, or intimidation.
11. Kidnaps, road trips (a mandatory/forced off-campus trip as part of an initiation activity).
12. Subjecting an individual to cruel and unusual psychological conditions for any reason.
13. Any requirement which compels an individual to participate in any activity which is illegal, perverse, publicly indecent, contrary to the individual’s genuine morals and/or beliefs, e.g., public profanity, indecent or lewd conduct, or sexual gestures in public.

UJ has unconditionally opposed any situation created intentionally to produce mental and physical discomfort, embarrassment or ridicule. Any violation of the University’s Hazing Policy will be considered a violation of the conduct code.

## Entry of Restricted Areas

Unauthorized entry or attempted entry of students into University buildings, rooms, or facilities, including residence halls during hours when such buildings, rooms or facilities are locked or closed or posted restricted access to the student body and the public, is prohibited. Failure or refusal to leave a University facility during or after normal operating hours, after being reasonably requested to do so by authorized University personnel, is similarly prohibited. For the purposes of this section, such a request would be reasonable if the surrounding circumstances indicate that the person has no lawful business to pursue in the facility or is acting in a manner which is disruptive or disturbing to the normal educational functions of the University.

## Misconduct of Campus Organizations and Student Groups

The University reserves the right to take action against a student group for conduct prohibited by the UJ Standards of Conduct. Such acts of misconduct by students engaged in organized activities of student groups, whether committed on- or off-campus, are subject to student conduct proceedings. An “organized activity” is any activity which is conducted under the auspices, sponsorship, or supervision of a student group or campus organization.

## Illegal Drug Policy

The use of illegal drugs or the unauthorized use of legal drugs is potentially harmful, physically and mentally, and often interferes with the user’s ability to function adequately in his or her academic and social life. Also, misuse of drugs often infringes upon the social and academic rights of others. Therefore, the use, possession, presence, sale and/or distribution of illegal drugs (those specified as illegal by federal, state and local laws), the unauthorized use of legal drugs and/or drug paraphernalia on-campus and off-campus can lead to disciplinary and/or criminal action.

Special efforts are made to keep drugs off the campus by preventing the distribution or sale of illegal drugs on campus. Whether or not criminal charges are brought, all

students are subject to University discipline for illegally manufacturing, distributing, possessing, or using any controlled substance or drug paraphernalia on University property or at University-sponsored functions. Violation of the University drug policy is considered a serious breach of student conduct. Violation of this policy shall result in stern disciplinary action, which may include suspension or expulsion for the first offense.

Students residing on campus are responsible for any drugs or drug paraphernalia found in their room or use of drugs or drug paraphernalia in their room, whether or not they are present at the time the violation is determined.

Concerns or questions involving drugs or narcotics should be directed to the Dean. In cases where there is reason to believe there is possession or use of illegal drugs -other than alcohol, the Jamestown Police Department may be called to investigate.

## Alcohol Policy

On-campus possession, consumption, and distribution of alcoholic beverages is prohibited in all indoor and outdoor areas, regardless of age. This includes empty bottles or containers for decoration or recycling purposes. Posters, boxes, signs, and other items advertising alcohol are prohibited in public areas. This includes lighted signs in windows and posters on the outside of any door. Alcohol is prohibited at official University student functions (i.e., sporting events, dances, etc.), and the student assumes a risk when they choose to have or use alcohol on campus. In most cases the Jamestown Police Department will be contacted if persons using or in possession of alcohol on campus are not UJ students. The Jamestown Police Department will always be called when the individuals are under 18 years of age. Alcohol related games or activities, including but not limited to beer pong, even when alcohol is not present, consumed, or utilized, is prohibited.

In an effort to protect students' rights and their environment, students visibly intoxicated on campus will be considered in violation of the campus alcohol policy. The following are some of the criteria that will be used in determining whether a student will be cited for public intoxication: passing out, public vomiting, needing assistance in finding his/her room, inability to stand, noticeably smelling of alcohol, slurred speech, and urinating in public. The student will be referred to the University judicial process for violation of the campus alcohol policy. The criteria for public intoxication listed is a guideline for the staff, but is not limited to the criteria listed. In addition, any student reported as intoxicated on

campus may meet with the Dean or their designee for possible referral for an alcohol evaluation and counseling.

Guests in a room where alcohol is present will be considered in violation of the campus alcohol policy. All students in violation of the alcohol policy will be notified by the Dean.

Room residents are always in violation of the alcohol policy if they are in their room and evidence of alcohol is present. Residents not present may or may not be considered in violation depending on the circumstances of the incident.

All persons in a room where alcohol or empty containers, including but not limited to cans, bottles, kegs, or bottle caps are present will be considered in violation of the alcohol policy, as will persons in a vehicle on campus where alcohol is found. In cases where excessive numbers of students or excessive amounts of alcohol are present additional disciplinary action may be taken by the Dean.

Common sources of alcohol or devices that promote irresponsible drinking (including, but not limited to kegs, beer or party balls, funnels, bongs, beer pong tables, etc.) are not permitted in the residence halls.

Each student is responsible for what happens in his or her assigned residence room. If a room is left unlocked and a violation occurs, the resident(s) of the room may also face disciplinary action. All students are encouraged to lock their doors for the safety of their possessions and to prevent unnecessary involvement in disciplinary sanctions.

The Athletic Director will be notified of all athletes who violate the university alcohol policy on- or off-campus.

Parents may be notified if the student is under 21 and/or the alcohol violations are considered serious enough to potentially interfere with the student's success.

## Public Disturbances

An atmosphere conducive to normal living and study must be maintained 24 hours a day on campus. As always, respect for the rights and freedoms of other students should be the basic guideline for behavior. Radios, stereos and TV sets must be played discreetly at all times. Stereo speakers are not to be played out windows. Musical instruments are not to be practiced in the residence halls. Hall sports are prohibited. Excessive noise or other public nuisances created or permitted by students are strictly prohibited. Conduct shall be deemed such a nuisance if it penetrates into the room or cluster areas of other students, faculty, or

staff, unwillingly subjecting them to an unreasonable disturbance or inconvenience. Snowball fights, spraying water-guns, shaving cream battles, etc. shall be considered public disturbances and shall be handled as such.

## Refusing a Reasonable Request

University officials, including Residence Life staff, have the authority to enter any area on campus, including a student's room. This authority may be exercised in the interest of student safety, the protection of University property, or when a violation of University policy is occurring. A student's refusal to admit staff to their occupied or leased space when requested by a staff member under these circumstances is considered a failure to comply with a reasonable request of a University official. If a student fails to comply with a reasonable request of a University official, he/she is subject up to a \$50 fine per incident or other sanctions.

## Gambling

Organized gambling in North Dakota is strictly controlled. According to North Dakota Century Code 12.1-28, gambling is defined as "risking any money, credit, deposit, or other thing of value for gain, contingent, wholly or partially, upon lot, chance, the operation of gambling apparatus, or the happening or outcome of an event, including an election or sporting event, over which the person taking the risk has no control."

Small, private gambling games are permitted on campus given that no individual contributes more than \$5 in currency or assets per event or hand, the game in question is equal and fair, and no person receives a pre-determined commission or 'cut' of the gambled assets in exchange for hosting the event or other provided service related to the gambling instance.

No organized or large-scale gambling of any kind may take place without the prior approval of appropriate University officials to ensure appropriate state and University statutes are observed.

## Solicitation/Posting

Sales of any service or product door to door on campus or by way of the University telephone or internet system is strictly prohibited. Posters or flyers for display on campus must be approved by the Director of Student Engagement for posting in academic and administrative buildings and the Residence Life department for posting in residence halls. Individuals or organizations who wish to put up

posters should indicate which areas they desire to do so. No more than one poster per event per board is permissible. Posters should be hung on bulletin boards or tac strips only. Any advertisements on doors, wall, windows, etc. will be taken down without prior approval. New posters shall not cover content of older, but still current, posters. Posters shall be equal to or smaller than 11x17 inches unless otherwise approved. Community posters are only to be posted in Nafus Hall on the tac strip above the water fountain. The name of the sponsoring entity should be on the advertisement. No soliciting of product or service will be approved. Posters will be removed by Student Affairs staff if not approved. Posters should be taken down in a timely manner by the sponsoring individual or organization. Posters should require a minimum of 5 school days for approval prior to posting. Content should appeal to a number of students and/or UJ faculty/staff. Poster submission to the Office of Student Affairs does not guarantee approval. Sponsoring organizations or individuals are responsible for supplying copies of posters at their own expense, posting materials after approval, and removal of outdated material. Any posters relating to or promoting alcohol will not be approved.

## University Property

No student shall take or move any University owned furnishings/equipment from its designated area. Furnishings assigned to public areas on campus are for use by all students and should not be moved into other areas or rooms or shifted from one building to another. Such removal will be considered to be an act of theft and may result in a fine.

## Roofs/Windows

Students are not permitted on the roof of any campus building. Nothing, including trash, should be thrown or dropped from the windows. Screens are not to be unscrewed or removed from windows. Windows are not to be used as means of entrance or exit to a room. Students are not permitted to sit in windows at any time.

## Endangering the Health and Safety of Self or Others

The University will hold individuals or groups responsible for actions which endanger or tend to endanger the safety, health or life of any person.

## Hate Crimes

North Dakota Century Code § 12.1-14-04 criminalizes injuring, intimidating or intentionally interfering with a person's "full and equal enjoyment" of a public place because of that person's sex, race, color, religion or national origin.

Whether you have the potential of being the victim of a hate crime or of giving support to someone who has been a victim, the University is committed to educating all students about procedures for reporting offenses, the laws, and penalties related to them, available resources, and steps to prevent discriminatory behavior within the UJ community.

## Definition of Hate Crimes

As found with the Century Code § 12.1-14-04 of the North Dakota State Law, hate crimes are those crimes where victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable physical and emotional damage and tear at the very fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes. In a democratic society, citizens cannot be required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them.

## Reporting Hate Crimes

It is important to remember that the reporting of hate crimes provides the University and the community with the opportunity to identify the person responsible and address the factors that might prevent such an occurrence in the future. UJ provides support through attainment of medical, psychological, investigative, and other support services to assist victims of hate crimes in dealing with the inevitable repercussions of such a traumatic event. In addition, the victim may receive assistance in changing their on-campus living and academic situations after an alleged hate crime incident, if such changes are reasonable and available. The University also provides for the use of a "safe room," if available, for short periods of time whenever a victim needs or wishes to be relocated immediately from the

residence hall room.

## Pursuing Judicial and/or Criminal Action

In addition to seeking medical assistance and emotional support, you have the right to choose to pursue criminal action and, in the case of an on-campus incident, to provide the University with information to pursue judicial action. The decision to pursue judicial action in no way restricts you from also filing criminal charges, and vice versa.

## On-Campus Incidents

The Office of the Dean (x5444) investigates reported hate crimes that occur on the UJ campus. The Dean or appointed designee will discuss with you your rights, options and the procedures involved in pursuing criminal charges. Incidents that are classified as felonies are usually investigated jointly with the Jamestown Police Department the Stutsman County District Attorney's Office.

Alleged violations of the UJ Student Conduct Code will be referred to the Office of Student Affairs (x5444) or designee. This office or designee will take judicial action against any student involved in an act that threatens the safety and welfare of another individual. Judicial action is pursued according to the procedures outlined in the student conduct code.

The possible sanctions that can be imposed as a result of determination of responsibility in a case of a hate crime follow the same range of sanctions available for any policy violation at UJ. The University reserves the right to summarily remove a student from University housing or from the University campus pending a judicial investigation when such action is necessary to ensure the protection and welfare of the University community.

## Preventing Discriminatory Behavior

UJ offers the following recommendations to help prevent discriminatory behavior within the campus community:

1. Intervene to let others know that you will not tolerate ethnic jokes, racial or religious slurs, or any other action that demeans any person or group.
2. Celebrate your own cultural and religious heritage.
3. Educate yourself about the rich cultural diversity in our community.

4. Be a model of language and behavior that are non-biased and inclusive of all persons, regardless of who they are.
5. Participate in culturally diverse programs offered within the campus community.
6. Be proactive in your home, at work, and in your community to combat all discriminatory behavior.
7. Have open discussions on controversial subject matters as they relate to the various forms of bigotry, prejudice, and discrimination that exist in society.
8. Join clubs or organizations to become better informed and to help reduce discriminatory behavior.

## Sexual Harassment and Sexual Assault

This policy applies to sexual harassment and sexual assault perpetrated by students towards victims who are UJ students, faculty, staff members, or non-UJ third parties. Sexual harassment and sexual assault that is perpetrated against a student is addressed in the Title IX Policy found elsewhere in this handbook. Any student who believes they have been the subject of sexual harassment or have been a victim of sexual assault should follow the applicable procedures outlined in the Title IX Policy.

Any conduct issues that do not fall under Title IX may be addressed through the student conduct processes.

UJ policy defines sexual harassment, for purposes of this policy, as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or receipt of services, (2) submission to or rejection of such conduct by an individual is used as the basis for employment, educational advancement, or other decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or performance, or creating an intimidating, hostile, or offensive working or educational environment. Sexual harassment is considered a form of discrimination.

For purposes of this policy only, sexual assault is any sexual behavior between two or more people to which one person does not or cannot consent. In describing sexual assault for this policy, UJ relies upon North Dakota state law concerning sexual imposition which is much broader than the traditional concept of rape. UJ prohibits sexual

acts or contacts with others which can involve compelling one to submit to sexual acts or contacts by force or threat of force, use of intoxicants to substantially impair one's power to give consent, engaging in such acts when there is reasonable cause to believe one suffers from a mental state which renders him or her incapable of understanding the nature of the contact or where one is under 15 years of age. The abuse of alcohol or other substances does not relieve individuals of their responsibilities to themselves or others. Prohibited behavior includes all forcible and nonforcible sex offenses provided for under North Dakota state law.

Any person who, or entity which, engages in sexual harassment or sexual assault will be subject to discipline or debarment in accordance with the policies and procedures of this University.

Employees and students are encouraged to remind other employees and students of the policy of the University prohibiting sexual harassment and sexual assault and to report violations of this policy to their supervisor and/or the Affirmative Action Officer.

Investigation of allegations of sexual harassment and sexual assault will be undertaken immediately and conducted in an expeditious manner, assuring confidentiality consistent with the obligations of the University as follows:

1. The Affirmative Action officer will conduct an investigation based upon a written complaint, or whenever the Affirmative Action Officer determines that circumstances warrant such an investigation.
2. A person filing a complaint or asserting allegations of sexual harassment or sexual assault against another in good faith shall be afforded such protection as the committee believes to be warranted.
3. A person who is alleged to have violated the Sexual Harassment and Sexual Assault Policy shall be given an opportunity to respond to any allegations, if the Affirmative Action Officer determines that there is reasonable cause to believe that a violation of the policy has occurred.
4. If the Affirmative Action Officer determines that a violation of the policy has occurred it shall direct that immediate and appropriate corrective action be instituted which may include, but shall not be limited to, the institution of disciplinary proceedings as outlined in the Violations of Student Conduct portion of the handbook, the imposition of counseling, participation in educational activities or other

requirements of the violator, and the provision of remedies, support counseling, or other measures for the victim.

5. The policy that is to be followed falls under the University's Discrimination and Harassment Policy.

Notice: Medical and counseling referrals that are available to complainants are also available to accused students and witnesses in regard to a discrimination/harassment complaint and/or report.

## Emergency Assistance

Personal safety and well-being should be the first priority for any individual who is the victim or survivor of sexual harassment, misconduct, or violence, including sexual assault. Victims should immediately seek assistance by calling 911, notifying law enforcement, or seeking medical assistance. These options address concerns for the immediate safety and health of the assault victim. Additionally, these are the best options to ensure preservation of evidence in order to file criminal charges now or at a later date. Students may also be able to use University of Jamestown Counseling Services, although Counseling Services does not have the ability to preserve physical evidence for later use in prosecution.

Jamestown Police Department 205 6th St SE Jamestown, ND 58401 911 (emergency) 701-252-2414 (non-emergency)

Jamestown Regional Medical Center 2422 20th St SW Jamestown, ND 58401 701-952-1050

University of Jamestown Counseling Center 701-659-0834  
Email: [counseling@uj.edu](mailto:counseling@uj.edu)

Outside Agency Available for Counseling: Safe Shelter  
701-251-2300 888-353-7233 (Toll Free)  
[www.SafeShelterJamestown.org](http://www.SafeShelterJamestown.org)

## Sexual Misconduct and Title IX Policy and Procedures

University of Jamestown may make changes to this policy on an as needed basis in order to ensure compliance with federal and/or state regulatory updates, changes, and/or modifications.

### I. Statement of Philosophy

The University of Jamestown ("University") is committed to establishing and maintaining a safe learning, living, and

working environment where healthy, respectful, and consensual conduct represents the campus cultural norm. To that end, the University of Jamestown's Sexual Misconduct and Title IX Policy & Procedures ("Policy") prohibits Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Relationship and Interpersonal Violence, and Stalking. This Policy also prohibits retaliation against any individual for making a good-faith report of conduct prohibited under this Policy or for participating in an investigation of an alleged violation of this Policy.

It is the responsibility of every member of the University of Jamestown community to foster an environment free from harassment and discrimination in all forms, including sexual harassment, sexual assault, and all other forms of sexual violence. This Policy protects the rights of students and others to an educational environment free from discrimination based on sex, including discrimination in the form of sexual harassment and discrimination based on sexual orientation and gender identity, as guaranteed by Title IX of the Education Amendment of 1972.

We encourage all members of the University of Jamestown community to report incidents of sexual harassment and misconduct, so the behavior can be addressed and any reoccurrence of the behavior can be prevented. The University of Jamestown will respond promptly and effectively to reports of prohibited conduct and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates this Policy.

### II. Purpose of Policy

The Sexual Misconduct and Title IX Policy has been developed to educate students, employees, volunteers, contractors, and guests of the University of Jamestown on appropriate conduct and to provide recourse for those individuals whose rights have been violated.

On May 6, 2020, the Department of Education released new Title IX Regulations that were required to be implemented by August 14, 2020. These new regulations resulted in changes that were required to be made to the University's Title IX Sexual Violence and Sexual Harassment Policy. The University of Jamestown remains committed to addressing all forms of sexual misconduct and relationship violence, including those that do not rise to the level of sexual harassment that is now defined by the Department of Education. This policy contains the Title IX Grievance Process, but the University of Jamestown reserves the right to investigate any report of sexual misconduct that address behaviors that do not reach the level of sexual harassment under Title IX.

### **III. Notice of Nondiscrimination**

Title IX of the Education Amendments Act of 1972 (“Title IX”) prohibits discrimination on the basis of sex in programs and activities by colleges that receive Federal financial assistance. Sex discrimination includes sexual harassment (which includes an employee conditioning the provision of an aid, benefit, or service of University of Jamestown on an individual’s participation in unwelcome sexual conduct; unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to University of Jamestown’s education programs or activities; or sexual assault as defined in 20 U.S.C. 1092 (f)(6)(A)(v), dating violence as defined in 34 U.S.C. 12291(a)(10), domestic violence as defined in 34 U.S.C. 12291(a)(8), or stalking as defined in 34 U.S.C. 12291(a)(30).). The University of Jamestown complies with Title IX and does not discriminate on the basis of sex, gender identity or gender expression in its education programs or activities, admissions, or employment.

University of Jamestown will not tolerate sexual violence, dating violence, domestic violence, stalking, or sexually inappropriate conduct in any form. Other acts can also be forms of sex or gender-based discrimination and are also prohibited whether sexually based or not, including dating violence, domestic violence, and stalking.

All inquiries concerning the application of Title IX may be referred to the University of Jamestown’s Title IX Coordinator: Becky Knodel Liechty Center/Taber Hall 219 6088 College Lane, Jamestown, ND 58405 (701) 252-3467 Ext. 5566 or (701)-320-0196 titleix@uj.edu.

Concerns about the University of Jamestown’s application of this policy may also be addressed to the United States Department of Education, Office for Civil Rights at OCR@ed.gov or by phone at 1-800-421-3481.

University of Jamestown is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual assault, sexual violence or harassment, whether as a Complainant, Respondent, or third party, will have appropriate access to support and counseling services through the University.

### **IV. Applicability of Policy**

This Policy applies to all University students who are registered or enrolled for credit or non-credit courses (“Students”); employees consisting of all full-time and part-time faculty, staff, and coaches, (“Employees”); and visitors, guests, applicants for admission or employment with the University, contractors, vendors, university

affiliates and others conducting business on campus (“Third Parties”).

### **V. Jurisdiction Over Reports of Prohibited Conduct**

As defined by the Department of Education, the University must respond promptly and appropriately in a manner that is not deliberately indifferent when it receives notice of alleged facts that, if true, could be considered sexual harassment (actual knowledge) that occurs in any education program or activity of the University against a person in the United States. This includes responding to reports of sexual harassment in education programs and activities in the United States in the following settings:

1. An education program or activity means locations, events, or circumstances over which the recipient exercises substantial control over both the Respondent and the context in which the sexual harassment occurs;
  - a. Buildings or other locations that are part of the University’s operations, including remote learning platforms.
  - b. Off-campus settings if the University exercises substantial control over the Respondent and the context in which the alleged sexual harassment occurred (e.g., a field trip for an off-site educational experience).
2. Also includes any building owned or controlled by a student organization that is officially recognized by the University.
  - a. Such as a building owned by a recognized fraternity or sorority, (of which the University currently does not have.)

In order for the University to determine whether it had substantial control over the Respondent and context in an off-campus setting, it must make a fact-specific determination and may consider factors such as whether the University funded, promoted, or sponsored the event where the alleged harassment occurred. However, no single factor is determinative in concluding whether the University had substantial control over the Respondent and the context in which the reported harassment occurred.

Allegations of misconduct that do not meet the jurisdictional requirements outlined above may be referred for review and possible resolution under other University policies.

## VI. Definitions

Due to the sensitive and sometimes violent nature of incidents involving sexual misconduct, the following definitions are provided for informational use and for guidance in the investigation and processing of alleged violation and are not intended to be fully inclusive of all conduct prohibited by this Policy. It is possible that a particular action may constitute sexual misconduct even if not specifically mentioned in this Policy.

1. **Actual Knowledge:** Notice of sexual harassment or allegations of sexual harassment to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. The standard is not met when the only official of the University with actual knowledge is the Respondent.
2. **Advisor:** Someone who acts as an advisor to the Complainant or Respondent ("Party" or "Parties") involved in an investigation or disciplinary proceeding under this Policy. Once a complaint has been filed, the Complainant and Respondent may each select an advisor of their choice. The role of the advisor is narrow in scope. The advisor is permitted to be a part of any meeting or interview connected with the grievance process that their Party is invited to attend, but the advisor may not actively participate in interviews and may not serve as a proxy for the party. University employees who provide confidential support services (Counseling Services and the Chaplain) may not serve as advisors. Additionally, the Title IX Coordinator, Director of Campus Safety, and Dean of Students/Vice President for Student Affairs, for example, have an actual or perceived conflict of interest preventing them from serving in this role. A party should select as an advisor a person whose schedule allows attendance at the scheduled dates and times for any meetings, because delays will not normally be allowed due to the scheduling conflicts of an advisor.

The advisor may not speak aloud during meetings involving the Party and the investigator, but they may confer quietly or by means of written notes with their advisee. The advisor may provide advice and consultation to the parties or the parties' witnesses outside of the conduct of the live hearing to assist parties in handling the formal resolution process. However, while advisors may provide guidance and assistance throughout the process, all written submissions must be authored by the party or parties.

The Complainant and Respondent are not obligated to accept the counsel of an advisor. However, should the reported behavior fall under the Title IX Grievance Process, and the Complainant has signed a Formal Complaint, both parties will be required to have an advisor present at the hearing. During the live hearing under the Title IX Grievance Process, the advisors of the Complainant and Respondent will provide cross examination to the other party and witnesses who are participating in the process; otherwise, the advisor may not actively participate in the hearing. This cross examination must be conducted by an advisor and can never be conducted by the Complainant or Respondent. If either party does not have an advisor at the time of the live hearing under the Title IX Grievance Process, the University will provide an advisor to the party solely for the purposes of conducting cross-examination during the live hearing.

3. **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
4. **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or sexual misconduct.
5. **Party or Parties:** A term referring individually or collectively to the Complainant and/or Respondent.
6. **Reporting Party:** Person other than the Complainant who reports an alleged violation of this Policy.
7. **Appellate Decision Maker:** A one-member board charged with hearing an appeal under this Policy. If the appeal is based on the outcome of the live hearing, the Appeals Board member will be a different individual than the decisionmakers from the live hearing. Neither the Title IX Coordinator nor the Investigator can serve on the Appeals Board. The Appeals Board is drawn from a pool of members of our community or from an external agency who will receive training regarding the purpose and implementation of the Policy, as well as the

disposition of complaints in a manner that protects the safety and well-being of the Parties and promotes accountability. The Appeals Board may be a University official or an external appeal member. (The appeals process is discussed later in this Policy.)

8. Consent: Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of all persons involved an affirmative, conscious, and voluntary agreement to engage in specific sexual activity. Consent to one form of sexual activity does not imply consent to another form of sexual activity. It is the responsibility of each person to ensure that they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence, do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationships alone suffice as evidence of consent to prior conduct). The Respondent's belief that the Complainant consented shall not provide a valid excuse where:
  - a. The Respondent's belief arose from the Respondent's own intoxication or recklessness;
  - b. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
  - c. The Respondent knew, or a reasonable person should have known, that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
    - i. Asleep or unconscious;
    - ii. Due to the influence of drugs, alcohol, or medication, unable to understand the facts, nature, or extent of the sexual activity; or
    - iii. Unable to communicate due to a mental or physical condition.
9. Coercion: Coercion is intimidation or conduct that would compel an individual to do something against their will by (1) the use of physical force or confinement or, (2) expressed or implied threats of physical, emotional, property, or reputational harm, or (3) pressure that would cause a reasonable person

to fear such harm. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration.

10. Retaliation: Any adverse action taken against a person for making a good faith report of Prohibited Conduct, assisting someone making such a report, or participating in any proceeding under this policy. Retaliation includes threats, intimidation, harassment, discrimination, coercion or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process does not constitute retaliation, but a determination regarding responsibility, alone, is not sufficient to conclude that an individual made a materially false statement in bad faith (§106.71(b)(2)).
11. Complicity: Assisting, facilitating, or encouraging the commission of a violation of the Sexual Misconduct Policy.
12. Decision Maker(s): The individual or individuals who are responsible for the live hearing during the formal Title IX grievance process found in this policy to determine if the Respondent is responsible or not responsible for a policy violation. The decision-maker(s) are trained annually and serve impartially without prejudging the facts at issue. The decisionmaker(s) cannot be the Title IX Coordinator or investigator. The decision-maker(s) may be a University official(s), an external decisionmaker(s), or a combination of University official(s) and external decision-maker(s).
13. Exculpatory Evidence: Evidence that clears (exonerates), or tends to clear, a person of guilt or blame.
14. Inculpatory Evidence: Evidence that shows, or tends to show, a person's involvement in an act, or evidence that can establish guilt.
15. Effectively Deny Equal Access: To determine whether a person has been effectively denied equal access to the University's education program or

activity, an evaluation must take place to determine whether a reasonable person in the Complainant's position would be effectively denied equal access to education compared to a similarly situated person who is not suffering the alleged sexual harassment. Some examples may include (but are not limited to): skipping class to avoid a harasser; a decline in a student's grade point average; or having difficulty concentrating in class.

16. Force: May include words or conduct. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Coercion, intimidation, and non-physical threats can all be forms of force.
17. Formal Complaint: A document signed and filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the educational program or activity of the University with which the formal complaint is filed. This requirement concerns a Complainant's status at the time a formal complaint is filed and is not affected by a Complainant's later decision to remain at or leave the University. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. A document filed by the Complainant means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint. Where the Title IX Coordinator signs a formal complaint, the title IX Coordinator is not a Complainant or otherwise a party and must otherwise comply with their regulatory duties.
18. Harm to Others: Physical violence including (but not limited to) physical abuse, assault, threats of violence, striking, shoving, or subjecting another person to unwanted physical contact.
19. Harassing Conduct: Conduct that includes but is not limited to intentionally or recklessly endangering, threatening, or causing emotional harm to any person. This may also include causing physical damage to their property.
20. Harassment: Harassment includes, but is not limited to, any written, verbal or physical acts (including electronically transmitted acts) that is

reasonably perceived as creating an intimidating or hostile work, learning or living environment, particularly if questionable behavior is repeated and/or if it continues after the offending party is informed of the objectionable and/or inappropriate nature of the behavior. Harassment can be a single incident, or a series of repeated incidents.

21. Incapacitation: A person who lacks the ability to make informed, rational judgments is incapacitated and, therefore, cannot consent to sexual contact or activity. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is incapable, on a temporary or permanent basis, of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act.

Merely consuming or being under the influence of alcohol or drugs does not constitute incapacitation. Incapacitation is beyond a state of drunkenness or intoxication, and the level of impairment must be significant enough to render the person unable to give consent. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person in the following areas:

- a. decision-making ability;
- b. awareness of consequences;
- c. ability to make informed rational judgments;
- d. capacity to appreciate the nature and quality of the act; or
- e. level of consciousness.

The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

22. Notice: Means, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in 34 CFR § 106.8(a).
23. Physical Assault or the Threat of Physical Assault: Threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person.
24. Preponderance of the Evidence: A standard of

proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not to be true. This is the standard used by the University of Jamestown to determine whether a Title IX violation took place.

25. Report: Defined as notification of an incident of sexual misconduct or sexual harassment reported to the Title IX Coordinator by any responsible employee or reporting person. A report may be accompanied by a request for supportive measure, no further action, or a request to initiate a formal or informal resolution process through the University. While the report is not a formal complaint, should a formal or informal process with the University be initiated, the report may be used as part of the formal complaint as defined above.

26. Title IX: Title IX of the Education Amendment Act of 1972, 20 U.S.C. §1681 et seq., and its implementing regulations, 32 C.F.R. Part 106, which prohibit discrimination on the basis of sex, gender identity, or gender expression in education programs or activities operated by recipients of Federal financial assistance. University of Jamestown is required to comply with Title IX.

27. Title IX Grievance Process: This is the formal name used in the Title IX regulations for a school's process for addressing formal complaints of sexual harassment under Title IX.

28. Investigator: Official(s) who will be responsible for coordinating any investigation into an alleged violation of Sexual Misconduct or Sexual Harassment. This may be a University official, an external investigator, or a combination of University official(s) and external investigator(s). If investigators are requested to be at the hearing by either party or the Decision-maker(s), they must be consulted prior to the scheduling of the hearing to determine their availability. Investigators are not witnesses, as their role is to collect evidence and provide a summary of the relevant evidence. Therefore, investigators should not be subject to cross-examination in a hearing. The Decisionmaker(s) may ask questions of the investigator. Additionally, parties may submit questions for the investigator to the Decision-maker(s). The Decision-maker(s) will evaluate the relevance of the question(s) and, if the question is determined to be relevant, will ask it on behalf of the party. During a hearing, investigators will only refer to the investigative report, as all information is contained in that report. Investigators will not offer

any opinions or assessment on credibility, evidence, responsibility, or any other aspect of the case. Though investigators will summarize relevant evidence in the investigative report, the ultimate determination on relevancy and the weighing of evidence is the sole purview of the decision-maker(s).

29. Prohibited Conduct: The following conduct is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent:

a. Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

i. An employee of the University conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;

iii. Sexual Assault is any attempted or actual sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Consent is defined elsewhere in this policy. Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI Uniform Crime Reporting (USR) program.

1. Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

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

3. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

4. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

iii. Dating Violence includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. Dating violence does not include acts covered under the definition of domestic violence.

iiii. Domestic Violence includes felony or misdemeanor crimes of violence committed:

1. By a current or former spouse or intimate partner of the Complainant;
2. By a person with whom the Complainant shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
5. By any other person against a Complainant who is protected from that person's acts under the domestic family violence laws of the jurisdiction in which the crime of violence occurred.

iiii. Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their own safety or the safety of others; or (B) suffer substantial emotional distress. The University's Title IX Policy covers instances of stalking based on sex – including stalking that occurs online or through messaging platforms, commonly known as cyber-stalking – when it

occurs in the University's education programs or activities.

For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
3. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment of counseling.

iiiiii. Gender-Based Harassment: Harassment based on sex or gender, sexual orientation, gender identity, or gender expression, which may include acts of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected

speech.

Examples of conduct that may constitute Sexual or Gender-Based Harassment under the quid pro quo or hostile environment analysis includes, but are not limited to:

- Sexual Assault, Sexual Exploitation, Relationship Violence, or Stalking;
- Inappropriate physical conduct, including unwelcome touching or sexual advances within the working, living, or learning environment;
- Persistent and inappropriate personal attention from one colleague or student to another in the face of repeated rejection;
- Inappropriate verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendoes, or unwelcome comments about an individual's sexual orientation, gender, gender identity, or gender expression;
- Inappropriate written conduct, including letters, notes, or electronic communications, containing comments, words, jokes, or images that are lewd or sexually suggestive or relate in an unwelcome manner to an individual's sexual orientation, gender, gender identity, or gender expression;
- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person in a state of undress or of another person engaging in a sexual act without the consent of all parties involved);
- Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's consent.
- Exposing one's genitals to another person without their consent; or
- Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge and consent.

In evaluating allegations of sexual harassment, the allegations are evaluated from both a subjective and objective perspective considering the totality of the circumstances.

## VII. Confidential Resources

A student who wishes to discuss potential concerns or events that may constitute a Title IX violation, but who do not want the Title IX Coordinator to be made aware of the concerns or events, are able to have confidential conversations with certain University resources. The following University of Jamestown resources, who receive reports in their confidential capacity, will not pass on the information they are told to the Title IX Coordinator:

1. Director of Campus Ministries and Pastoral Care – Kirstie Dobson Badal Nafus Center #102 (701) 252-3467 Ext. 5475 or on-campus dial 5475.
2. Any person with a professional license requiring confidentiality or someone who is supervised by such a person, while acting in that professional capacity. For a listing of available outside confidential resources who are not affiliated with the University of Jamestown, please see the Personal Counseling page under Student Life at: <https://www.uj.edu/studentlife/personalcounseling>.

Outside Agency Available for Counseling: Safe Shelter 701-251-2300 888-353-7233 (Toll Free) [www.SafeShelterJamestown.org](http://www.SafeShelterJamestown.org).

Unless the alleged victim is a minor, or there is a belief that there is an imminent threat of harm to self or others, reporting a Title IX concern to one of these resources will not lead to a University or police investigation.

## VIII. Reporting a Title IX Concern

Any person can make a report, including anonymously, of Prohibited Conduct to the Title IX Coordinator, or to any Responsible Employee. A Responsible Employee is an employee who has been given the duty of reporting Title IX concerns to the Title IX Coordinator. The University of Jamestown has designated the following individuals as Responsible Employee:

1. Title IX Coordinator;
2. Any official of the University who has authority to institute corrective measures on behalf of the University;
3. Dean of Students;
4. Any member of Human Resources;
5. Housing Department faculty and staff members, including Residential Advisors;

6. Any member of Campus Safety;
7. Any faculty or staff member who has a responsibility for working with students in the following capacities:
  - a. Teaching;
  - b. Advising;
  - c. Coaching; or
  - d. Mentoring.

Responsible Employees who receive a report of Prohibited Conduct must inform the Title IX Coordinator of the report as soon as possible, but within 48 hours of its receipt.

A Complainant who is reporting a Title IX concern to the University that may also constitute criminal activity is encouraged, but not required, to also contact the police by dialing 911 or the local police agency in the jurisdiction in which the alleged incident occurred.

## **IX. Amnesty for Personal Ingestion of Alcohol or Other Drugs**

In order to encourage reporting of Prohibited Conduct, the University of Jamestown will offer amnesty to Complainants and student witnesses who violate the University's Alcohol and Drug policies related to their own personal consumption of alcohol or other drugs at or near the time of the alleged incident(s), unless the violation placed the health or safety of another at risk.

## **X. Timeliness of Reporting**

There is no specific time frame for individuals who have experienced Prohibited Conduct to make a formal University report pursuant to this process. Individuals are, however, encouraged to make a report soon after the alleged incident in order to maximize the University's ability to investigate and properly respond.

## **XI. Reporting and Confidentiality**

An individual who reports allegations of prohibited conduct under this policy, whether the Complainant or a witness, can be assured that all reports will be taken seriously, and that each individual will be treated with dignity, respect, and in a non-judgmental manner from the initial report to the final result. Similarly, a Respondent can expect to be treated fairly and respectfully from the initial report to the final result. A Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the

conclusion of the University's Title IX Grievance Process. When making a responsibility determination, the University uses the Preponderance of the Evidence Standard as the standard of proof. All students, employees, and third parties are strongly encouraged to promptly report all incidents of sexual harassment, gender-based harassment, or sexual misconduct that they experience and/or observe to the Title IX Coordinator. This allows for the Title IX Coordinator to connect the Complainant with resources and support both on and off campus. A report does not automatically trigger an investigation. In most cases, the affected individual decides if they want to pursue a formal investigation of the report. An investigation occurs when the Complainant submits a signed formal complaint to the Title IX Coordinator, or when the Title IX Coordinator submits a formal complaint. When a report of sexual misconduct is made, a preliminary assessment of the reported information is made in order to respond to any immediate health or safety concerns. When a complaint or report of sexual harassment is made under the University's policy, the Title IX Coordinator (or designee) will:

1. confidentially contact the Complainant to offer supportive measures, consider the Complainant's wishes with respect to supportive measures, and inform them of the availability of supportive measures with or without the filing of a formal complaint;
2. explain the process of how to file a formal complaint;
3. inform the Complainant that any report made in good faith will not result in discipline; and
4. respect the Complainant's wishes with respect to whether to investigate, unless the Title IX Coordinator determines it is necessary to pursue the complaint in light of health or safety concerns for the community. If the report is from a third party, the Title IX Coordinator may reach out to the reporting party to gain additional information if needed.

The University presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of the University's Policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

## **XII. Outreach to the Complainant and Intake Meeting**

After the Title IX Coordinator receives a report of sexual or gender-based allegations, the Title IX Coordinator or

designee will contact the Complainant, if they are identified in the report, in order to provide the Complainant with information about supportive measures on and off campus, and to discuss their options regarding the University's process. During this meeting the Title IX Coordinator will also review the rights of the Complainant in regard to their participation in any Sexual Misconduct and Relationship Violence process. The Title IX Coordinator will ask the Complainant to share information regarding the allegation(s) and their preferred manner of resolution.

The preliminary assessment of an incident may include notification to Campus Safety to help facilitate the reporting of sexual assault to the Jamestown Police Department should the Complainant elect to pursue criminal charges.

If it is determined at the time of the preliminary assessment that the reported behavior, if true, would be a violation of this policy, and the Complainant wishes to pursue a formal or informal process, then the Title IX Grievance process will begin upon receipt of a signed formal complaint from the Complainant.

If it is determined at the time of the preliminary assessment that the reported behavior would not be a violation of this policy, the report may be forwarded for review under the Student Conduct Policy or Human Resources Policy.

Official reports can be made to the Title IX Coordinator by phone, email, mail, or visiting in person. Individuals reporting incidents of prohibited conduct as defined in this policy (reporting party or Complainant) will receive a Rights and Responsibilities Pamphlet that outlines on and off campus resources, supportive measures, confidential resources, reporting processes, etc. Individuals against whom an incident of prohibited conduct as defined in this policy has been reported (Respondent) will receive a Rights and Responsibilities Pamphlet that outlines on and off campus resources, supportive measures, confidential resources, processes explanations, etc. Both the Complainant and the Respondent will receive notice of their rights and resources by the Title IX Coordinator or designee. Those rights include, but are not limited to the following:

1. The right to have disclosures of sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, and stalking treated seriously;
2. The right to be treated with fairness and respect throughout the process;

3. The right to be informed of University policies and procedures being applied to the case and have those policies and procedures followed without material deviation whenever possible;
4. The right to have the University keep your name and other information related to your case as confidential as possible;
5. The right to be accompanied by an advisor of your choice during any meeting, interview, or conduct hearing in connection with your case;
6. The right to access appropriate supportive measures;
7. The right to be notified of the time frame for major stages of the University's process;
8. The right to have a reliable, thorough, and impartial investigation, including the right to meet with the investigator to present relevant information, witnesses, and other evidence;
9. The right to have a determination of the facts of the case be based on a preponderance of the evidence;
10. The right to be notified in writing of the outcome of any formal University process related to the case;
11. The right to be protected from retaliation by any member of the University community for your participation in the University's process;
12. The right to access an appeal process if/when an outcome has been determined with respect to the case.

If complainant does not wish to pursue Resolution:

All reported cases of sexual misconduct will be referred to the Title IX Coordinator for a preliminary assessment. In cases where the Complainant does not wish to submit a formal complaint, the University has 2 (two) options:

1. The University may attempt to resolve the complaint in a manner consistent with the Complainant's request. This may include holding the report for possible action at a later date.
2. The University may sign the Formal Complaint. Under these circumstances, the University would take into consideration the nature of the assault, the safety of the Complainant and the campus community, as well as previous disciplinary history and previous allegations of sexual assault. Statement on Privacy:

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, and stalking (to the fullest extent of the law). Additionally, the University will take all reasonable steps to investigate and respond to reports consistent with any request for privacy. However, the University's ability to do so may be limited based on the nature of the request of the Complainant.

If the Complainant requests anonymity or that the University not pursue an investigation, the University must balance this request in the context of its responsibility to provide a safe environment for all University community members. In a case where the University cannot respect the wishes of the Complainant, the University will consult with the Complainant and keep them informed of the University's course of action.

If the report of misconduct discloses an immediate threat to the University campus community where timely notice must be given to protect the health or safety of the community, the University will maintain the privacy of the Complainant's identity. For additional details on the University's Campus Safety Alerts, please refer to the Annual Security and Fire Safety Report.

The University will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the University will inform all parties and witnesses that Title IX prohibits retaliation and the University will take strong responsive action to protect anyone who, in good faith, makes a complaint or participates in an investigation, hearing, or informal resolution process under this policy.

The University has designated the following individual(s) to evaluate requests for privacy once the University is aware of alleged sexual violence:

Becky Knodel, Title IX Coordinator, or a trained designee.

### **XIII. Title IX Grievance Process**

For the purpose of addressing formal complaints of sexual harassment as defined by the Department of Education that occurred within the University's educational program or activity within the United States, the following grievance process will be used. Note that this grievance process is applied equally to both parties, and as such, the University will provide remedies to a Complainant where a determination of responsibility for sexual harassment has been made against the Respondent, and the University will follow the grievance process outlined below before any disciplinary sanctions or other actions that are not

supportive measures are made against the Respondent. Remedies for the Complainant must be designed to restore or preserve equal access to the University's education programs or activities. Such post-determination remedies may include the same individualized services described as Supportive Measures, and, should the Respondent be found in violation of this policy, these remedies can be disciplinary or punitive and need not avoid burdening the Respondent.

Both parties will have the opportunity to review all evidence that is collected during the investigation, both inculpatory and exculpatory. An individual's status as a Respondent will not be considered a negative factor during consideration of the grievance. Respondents are entitled to, and will receive the benefit of, a presumption that they are not responsible for the alleged conduct until the grievance process concludes and a determination regarding responsibility is issued. Similarly, credibility determinations will not be made based on a parties' status as a Complainant, Respondent, or witness.

The University strives for reasonably prompt time frames for the grievance process, and both parties are notified of the time frames allotted to them throughout the process. Generally speaking, the grievance process may take up to 75 days to complete. Should there be a request from either party for a temporary delay in the grievance process or for limited extension of time frames, written notice will be provided to the Complainant and Respondent for the reason of the delay and the estimated length of the delay. Requests for a delay will be considered for good cause considerations, such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. When deciding whether to grant a delay or extension, the University must balance the interest of promptness, fairness to the parties, and accuracy of adjudications. A request for a delay needs to be sent to the Title IX Coordinator in writing via mail or email stating the reason for the request and the amount of time that is being requested.

When there is a finding of responsibility for the Respondent by the decision-maker(s), the decision-maker(s) will assign appropriate sanctions. Possible sanctions are listed elsewhere in this Policy.

The decision-maker(s) uses the Preponderance of the Evidence Standard when making the determination of whether the Respondent is responsible or not responsible for a violation of the Policy.

At the conclusion of the hearing process, both parties will

have the ability to appeal the outcome provided by the decision-maker(s). Appeals are described later in this policy.

#### **XIV. Notice of Allegations for Title IX Grievance Process**

When the University receives a formal complaint signed by the Complainant or the Title IX Coordinator, the University will provide written notice to the parties that include the following:

1. Notice of the University's grievance process, including any informal resolution process.
2. Notice of the allegations potentially constituting sexual harassment, as defined by the Title IX definition of sexual harassment, sexual assault, stalking, dating violence, and domestic violence, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview, including:
  - The identities of the parties involved in the incident, if known;
  - The conduct that is alleged to be in violation of the policy;
  - The date and location of the incident, if known;
  - A statement that the Respondent is presumed not responsible for the alleged conduct, and that a determination regarding responsibility is made at the conclusion of the grievance process.
  - Inform the parties of their right to have an advisor of their choice, who may be, but is not required to be an attorney.
  - Inform the parties of any provision in the University's code of conduct that prohibits making false statements or knowingly submitting false information during the grievance process.
3. If during the course of the investigation, the University determines that there are additional allegations, the University will provide notice of the additional allegations in written form to both parties.

#### **XV. Dismissal of a Formal Complaint for Title IX Grievance Process**

If the conduct alleged in a formal complaint would not constitute sexual harassment as defined by the Department of Education for Title IX even if proved, and/or did not

occur in the University's education program or activity, or did not occur against a person in the United States, or at the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the University, then the University must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. When the dismissal of a formal complaint under Title IX occurs, the Complainant may still be able to move forward under other University codes of conduct or applicable resolution procedures.

Formal complaints may also be dismissed during the investigation or hearing process for the following reasons:

1. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; and/or
2. The Respondent is no longer enrolled or employed at the University; and/or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a required or permitted dismissal, the University will promptly send written notice of the dismissal and reason(s) of the dismissal to both parties simultaneously.

#### **XVI. Consolidation of Formal Complaints for Title IX Grievance Process**

The University may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### **XVII. Investigation of Formal Complaints for Title IX Grievance Process**

The University will conduct a prompt, fair, impartial investigation in a timely manner designed to provide all parties with resolution. However, there may be times where the process may take longer and the University will communicate on an on-going basis with the parties a realistic timeline, and the circumstances regarding the same. In every investigation conducted under this policy, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the parties.

Investigations will be conducted by one or more of the

following: Title IX Investigator, Campus Safety, an external investigator, or a combination. All reasonable efforts will be made to keep information private during the University's investigation and adjudication of the complaint. Investigators receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an objective and impartial investigation and hearing process that protects the safety of Complainants, promotes accountability, and ensures investigative techniques do not apply sex stereotypes and generalizations. Should a Complainant or Respondent feel that the investigator assigned to the matter is not able to be objective or impartial throughout the investigation, they must contact the Title IX Coordinator or designee to request a different investigator, and it will be determined if there is cause to provide a different investigator. The University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for the grievance process.

The University will provide both parties an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The University does not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. Both parties will have the ability to have an advisor present during any grievance proceeding. This includes the opportunity to be accompanied to any related meeting or proceeding by their advisor of choice, who may be, but is not required to be an attorney. The advisors may not speak aloud during meetings involving the party(s) and the investigator, but they may confer quietly or by means of written notes with their advisee. The investigation is a process that involves obtaining and evaluating information given by persons having material relevant information about events or circumstances concerning the reported incident. This may include the collection of statements (both oral and written), pertinent facts, and/or evidence. This process will be thorough and is likely to include the interviewing and re-interviewing of involved parties to ensure as much clarity around conflicting or differing statements as may be possible. At the conclusion of the investigation, the investigator will prepare a report setting forth the facts gathered. The report will provide the scope of the reported incident, statements from the parties involved in or with

knowledge of the incident, evidence obtained during the investigation, and an overview of disputed and undisputed facts of the matter. Both parties will be provided the opportunity to review and inspect all evidence that was obtained as part of the investigation. Per federal regulations for Title IX, both parties and their advisors will be provided with copies of the draft investigative report and all evidence that has been collected, for review and inspection. They will have 10 calendar days to review, inspect, and provide a written response that will be included in the final investigative report. The investigator will then review the parties' responses and finalize the report. Once the investigation has concluded and the investigative report is complete, per federal regulations for Title IX, the parties and their advisors will again receive the investigative report, at least 10 calendar days prior to any hearing that may occur, for their review and response. Neither the draft investigative report or the final investigative report may be copied or shared beyond the Respondent, Complainant, and their advisors of choice. Should there be a violation of this expectation, the alleged party that copied or shared the document may be held accountable through the University's Code of Conduct.

## **XVIII. Live Hearing for the Title IX Grievance Process**

In order to promote a fair and expeditious hearing, each party and their advisor will attend a pre-hearing conference with the decision-maker and the Title IX Coordinator. The pre-hearing conference assures that the parties and their advisors understand the hearing process and allows for significant issues to be addressed in advance of the hearing.

As part of the Title IX formal grievance process, there is a live hearing where the decisionmaker(s) will ask relevant questions of both parties and witnesses, and will allow for each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility. While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisors to conduct cross-examination of the other party and of relevant witnesses. A typical hearing may include: brief opening remarks by the decision-maker; questions posed by the decision-maker to one or both of the parties; cross-examination by each party's advisor of the other party and relevant witnesses; and questions posed by the decision-maker(s) to any relevant witnesses.

Only relevant cross-examination and other questions may be asked of a party or witness. Cross-examination must be conducted directly, orally, and in real time by the party's

advisor and never by the party personally. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice to conduct cross-examination on behalf of that party. The role of the advisor at the live hearing is solely to conduct cross-examination on behalf of a party. The advisor is not to represent a party, but only to relay the party's cross-examination questions that the party wishes to have asked of the other party and witnesses. Advisors may not raise objections or make statements or arguments during the live hearing. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

At the request of either party, the University must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering the question. Hearings may be conducted with all parties physically present in the same geographic location, or at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

The decision-maker(s) will discuss measures available to protect the well-being of parties and witnesses at the hearing. These may include, for example, use of lived names and pronouns during the hearing, including names appearing on a screen; a hearing participant's ability to request a break during the hearing, except when a question is pending; and a pause in the cross-examination process each time before a party or witness answers a cross-examination question in order for the decision-maker(s) to determine if the question is relevant and to ensure that the pace of cross-examination does not place undue pressure on a party or witness to answer immediately.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are provided to prove that someone other than the Respondent committed the alleged conduct; or the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Any evidence that the decision-maker(s) determines is relevant may be considered. The parties are encouraged to make known all witnesses and evidence during the investigation stage. Any witness scheduled to participate in the hearing must have been first interviewed by the investigator(s), unless all parties and the decisionmaker(s) assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and decision-maker(s) do not assent to the admission of evidence newly offered at the hearing, the decision-maker(s) may delay the hearing and instruct that the investigation needs to be reopened to consider that evidence. If the decisionmaker does allow for a new witness or evidence, it may impact the weight in which the information is assigned in making the determination. The University will make all evidence gathered available to the parties during the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Courtroom rules of evidence and procedure will not apply. The decision-maker will generally consider, that is rely on, all evidence that they determine to be relevant and reliable. Throughout the hearing, the decision-maker will:

1. Exclude evidence including witness testimony that is, for example, irrelevant in light of the policy violation(s) charged, relevant only to issues not in dispute, or unduly repetitive;
2. Disallow or require rephrasing of questions that violate the rules of conduct;
3. Decide any procedural issues for the hearing; and/or
4. Make any other determinations necessary to promote an orderly, productive, and fair hearing that complies with the rules of conduct.

The parties and witnesses will address only the decision-maker, and not each other. Only the decision-maker and the parties' advisors may question witnesses and parties. The live hearing is a closed proceeding and not open to the public. The Complainant and Respondent may be accompanied by or may otherwise be in contact with their advisor at all times. Witnesses will attend the hearing separately and only for their own testimony. The order in which witnesses appear will be determined by the decisionmaker. All participants involved in a hearing are expected to respect the seriousness of the matter and the privacy of the individuals involved. The University's expectation of privacy during the hearing process should not be understood to limit any legal rights of the parties during or after the resolution. The University may not, by

federal law, prohibit the Complainant from disclosing the final outcome of a formal complaint process (after any appeals are concluded). All other conditions for disclosure of hearing records and outcomes are governed by the University's obligations under the Family Educational Rights and Privacy Act (FERPA), any other applicable laws, and professional ethical standards.

The University will ensure that individuals with disabilities have an equal opportunity to participate in, and benefit from the University's Title IX grievance process, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973. The University will also ensure that English learner students can participate meaningfully and equally in the University's Title IX grievance process, as required by Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974. Any individual requesting accommodations due to disability or language assistance should contact the Title IX Coordinator.

The University will require all parties, advisors, and witnesses to maintain appropriate decorum throughout the live hearing. Participants at the live hearing are expected to abide by the decisionmaker's directions and determinations, maintain civility, and avoid disruptions and raised voices. Though this list is not exhaustive, the following are some rules of hearing decorum:

- duplicative or repetitive questions are irrelevant;
- advisors may not question parties or witnesses in an abusive, intimidating, or disrespectful manner;
- relevant questions must be asked in a respectful non-abusive manner;
- parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

Repeated violations of appropriate decorum may result in a break in the live hearing, the length of which will be determined by the decision-maker chair. The decision-maker chair reserves the right to appoint a different advisor to conduct cross-examination on behalf of a party after an advisor's repeated violations of appropriate decorum or other rules related to the conduct of the live hearing.

The University (including any official acting on behalf of the University such as an investigator or decision-maker) has the right at all times to determine what constitutes appropriate behavior on the part of an advisor and to take appropriate steps to ensure compliance with this Policy.

## **XIX. Determination Regarding Responsibility for Title IX Grievance Process**

The decision-maker(s) must issue a written determination regarding responsibility after the conclusion of the live hearing. The decisionmakers will deliberate in private to determine, based on a preponderance of the evidence, whether a policy violation(s) has occurred. Both parties will receive written notification of the decision within ten (10) business days of the hearing's conclusion. This notification must be provided to both parties simultaneously and the determination regarding responsibility becomes final either at the time the parties are provided a written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment as defined by the Department of Education in 34 C.F.R. §106.30;
2. The procedural steps taken from the initial formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the University's policies to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the University's educational program or activity will be provided by the University to the Complainant;
6. The procedures and permissible bases for appeal afforded to all parties.

Remedies and supportive measures for the Complainant that do not impact the Respondent should not be disclosed in the written determination; rather the determination should simply state that remedies will be provided to the Complainant.

## XX. Supportive Measures

Supportive measures are provided based on an individualized assessment of the needs of the individual. They are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to:

- counseling;
- extensions of deadlines or other course-related adjustments;
- modifications of work or class schedules;
- campus escort services;
- mutual restrictions on contact between the parties;
- changes in work or housing locations;
- leaves of absence;
- increased security and monitoring of certain areas of the campus;
- other similar measures.

The University must maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

## XXI. Responsibilities and Rights of the Parties and Witnesses

All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in connection with an incident of prohibited conduct is prohibited and subject to disciplinary action and sanctions under the

appropriate disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

During the entirety of the Title IX complaint process, the parties and witnesses have the following responsibilities and rights:

1. Responsibilities of the Parties and Witnesses:
  - a. The responsibility to be truthful and to follow the directions of University staff and agents responsible for administering this process;
  - b. The responsibility not to intimidate or retaliate against any individual who has made a good-faith report of a Title IX concern or who has participated as a party or witness in the process; and
  - c. The responsibility to keep confidential (by not disseminating beyond advisors) documents and materials received from the University during this process and, as part of this responsibility, to destroy or return, when so directed by the University, all documents provided by the University, except for the written determination regarding the outcome of the complaint.
2. Rights of the Parties and Witnesses:
  - a. The right to be reasonably protected from retaliation and intimidation where one has made a good-faith report of a Title IX concern or participated as a party or witness in the process; and
  - b. The right not to be disciplined for drug and alcohol violations (relating to voluntary ingestion) or similar offenses in connection with the reported incident that do not place the health or safety of any other person at risk.
3. Rights of the Parties:
  - a. The right to be accompanied by an advisor at meetings during the investigative process, and for that advisor to cross-examine the other party and witnesses during the live hearing.
  - b. The right to receive a written notice that provides sufficient detail about the allegations and the applicable policies for the Respondent to be able to respond and for both parties to understand the

- scope of the investigation;
- c. The right to decline to give a statement about the allegations or the right to decline to submit to cross-examination or other questions at the live hearing;
- d. The right to participate in the investigation, including by identifying witnesses and identifying and/or providing relevant information to the investigator;
- e. The right to review the investigative file following completion of the investigation and prior to the live hearing and the ability to provide written clarification, etc.
- f. The right of both parties to simultaneously receive a written determination following the live hearing;
- g. The right to review the file, excepting information that cannot be shared due to confidentiality laws and regulations, including but not limited to FERPA, after receiving the written determination regarding the outcome of the complaint;
- h. The right to appeal the outcome of the live hearing (explained more fully below);
- i. The right to appeal the dismissal of a formal complaint of allegations of prohibited conduct (explained more fully below);
- j. The right to receive an Appeal determination letter; and
- k. The right to request periodic status updates throughout the investigation and resolution process.

## **XXII. Informal Resolution**

A Complainant who has signed a formal complaint can request an informal resolution process, which both parties must voluntarily agree to before the University facilitates an informal resolution. A formal complaint needs to be signed for the formal grievance process or for an informal resolution. The University also reserves the option to offer informal resolution to both parties in certain circumstances. The informal resolution process is voluntary and both parties have to provide their written consent to participate in the process. The informal resolution process will not be allowed in reported incidents where an employee sexually harassed a student. The informal resolution does not involve a full investigation

and adjudication provided that the University still provides the parties with written notice that discloses the allegations, the requirement of the informal resolution process, and that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal grievance process with respect to the formal complaint. Any consequence resulting from participating in the informal resolution process, including records, will not be shared as part of the formal grievance process, including at the live hearing.

The informal resolution process may include, but is not limited to, the following outcomes:

1. Facilitated agreement between the Complainant and Respondent
2. Formal restorative conference
3. Informal restorative conference
4. Counseling sessions
5. Alcohol evaluation
6. Extension of No Contact Order
7. Completion of Education Plan

## **XXIII. Recordkeeping**

The University must maintain the following records for seven years:

1. Each sexual harassment investigation including any determination regarding responsibility;
2. Any audio or audiovisual recording or transcript of the live hearing;
3. Any disciplinary sanctions imposed on the Respondent;
4. Any remedies provided to the Complainant designed to restore or preserve equal access to the recipient's education program or activity;
5. Any appeal and the result therein;
6. Any informal resolution and the result therefrom;
7. All materials used to train Title IX Coordinators, investigators, decision-maker(s), and any person who facilitates an informal resolution process;
8. Records of any actions, including any supportive

measures, taken in response to a report or formal complaint of sexual harassment and document:

- The basis for the conclusion that its response was not deliberately indifferent;
- Taken measures designed to restore or preserve equal access to the University's education program or activity;
- If the University did not provide a Complainant with supportive measures, then document the reasons why such a response was not clearly unreasonable in light of known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken. The University must make all material used to train Title IX Coordinators, investigators, decision-maker(s), and persons who facilitate the informal resolution process publicly available on the University's website.

## **XXIV. Sanctions**

A respondent determined to have committed prohibited conduct is subject to disciplinary action. Disciplinary action may include, but is not limited to, education, a reprimand, probation, suspension, administrative leave without pay, or temporary or permanent separation (expulsion) from the University of Jamestown. When a respondent is found responsible for the prohibited behavior as alleged, sanctions are based on the severity and circumstances of the behavior, any record of prior discipline for similar violations, or both. Third parties who violate this policy may have their relationship with the University of Jamestown terminated and/or their privilege of being on University of Jamestown premises withdrawn.

If a student withdraws from the University of Jamestown after the University has begun an investigation but prior to a finding or resolution, an entry may, in appropriate circumstances, be made on their transcript that indicates that the student withdrew with a disciplinary investigation or complaint pending. Additionally, the investigation and resolution process may continue.

If an employee separates from the University of Jamestown after the University has begun an investigation but prior to disciplinary charges being filed, an entry may, in appropriate circumstances, be made in their personnel file that indicates that employment terminated with an investigation pending. Additionally, the investigation and

resolution process may continue.

## **XXV. Remedies**

If Prohibited Conduct is deemed to have occurred, the University of Jamestown will take all reasonable steps necessary in order to prevent recurrence and to remedy any discriminatory effects on the Complainant and others, if appropriate. When a Respondent is found responsible for the prohibited behavior as alleged, remedies must be provided to the Complainant. Remedies are designed to restore or preserve equal access to the University's education programs or activities. Remedies may include supportive measures that are punitive or would pose a burden on the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies.

Possible remedies include, but are not limited to, the following:

1. Academic support, including tutoring, arranging for extra time to complete academic requirements, or to re-take a class or withdraw from a class and to do so without an academic or financial penalty;
2. Moving the Complainant(s) or Respondent(s) to a different residence hall;
3. Counseling and mental health services;
4. Housing assistance;
5. Conducting additional training on Title IX requirements; and
6. Conducting bystander intervention and sexual violence prevention programs with students.

## **XXVI. Appeals**

The University will offer all parties the opportunity to appeal under two situations:

1. If there is a dismissal of a formal complaint on any allegations by the University; and
2. A determination regarding responsibility after the live hearing.

Under either of the two appeal options listed above, these are the basis for appeal:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence, that was not reasonably available at

the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or

3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

All parties wishing to appeal will have five (5) calendar days to submit a written explanation of their appeal after receiving the written notification regarding the determination of responsibility for the alleged prohibited behavior. The Title IX Coordinator must receive the appeal by 5:00 PM (CST) of the 5th day. When an appeal is received, the Title IX Coordinator will notify all parties that an appeal was received and provide notice of the appeal procedures. The appeal will be heard by an appellate decision-maker who did not serve as decision-maker during the live hearing. All parties will have the opportunity to submit a written statement in support of, or challenging the outcome, that will be considered by the decision-maker for the appeal process. All parties will be provided a written decision simultaneously that describes the result of the appeal and rationale for the result. An Appeal Outcome is final.

University of Jamestown may make changes to this policy on an as needed basis in order to ensure compliance with federal and/or state regulatory updates, changes, and/or modifications.

7/2018

7/2019

8/2020

8/2021

# Residence Hall Policies and Guidelines

## Housing Eligibility

A student must carry a minimum of 12 credits to reside in campus housing. However, residential students registered for less than 12 credits may reside in campus housing for the balance of a semester provided they also have approval from the Director of Residence Life.

Students in their final academic year who are on pace to graduate may drop below full-time status and remain eligible for housing with approval from the Director of Residence Life.

## Campus Room and Board Scholarship Proration

Residence halls at UJ provide students with a living/learning environment that is an integral part of the total educational purpose of the university. The residence halls provide educational support services to the university by creating and maintaining a guided, group living experience for the personal, scholarship, and social improvement of the individual resident. Students with circumstances requiring additional consideration or accommodations should contact the Director of Residence Life.

All full-time UJ undergraduate students are encouraged to live on campus. Students wishing to live off of campus or opt out of the meal plan will have their total institutional scholarship package prorated. Proration calculations can be reviewed with the Office of Financial Aid. Students must submit the Campus Room and Board Scholarship Proration Application to the Vice President for Student Affairs/Dean of Students for approval.

The following policies apply to all students who hold a residence hall contract and student and non-student visitors. These policies are in addition to and in conjunction with all other policies in this handbook and in other policy documentation published by the University. Violation of these policies will be treated in the same regard as any other violation of the Standards of Conduct.

## Quiet Hours

**Quiet Hours:** Respecting others' rights to sleep, study or generally not to be disturbed necessitates having quiet hours. Generally speaking, the sound level should be such

that the music, voice, etc., should be contained within the living unit (room or suite). Quiet hours in ALL residence halls are 10 p.m. to 10 a.m. Sunday - Thursday; midnight to 10 a.m. Friday and Saturday. During finals week, the staff enforces 24-hour quiet hours.

Students being disturbed by excessive noise should talk with the resident making the disturbance. After this has been tried, he/she may solicit the aid of the Resident Assistant, Assistant Resident Director, or Resident Director. Students may file a formal complaint with the Director of Residence Life. It is the responsibility of all members of the section or floor to honor quiet hours.

Disrespect of quiet hours will typically result in a warning for the first offense. Serious or egregious action may result in an immediate fine and/or referral to the student conduct process.

## Residence Hall Sports

The bouncing, throwing, or hitting of balls, other sports equipment, etc., is prohibited in the residence halls. Students will be held responsible for the damage. Ball playing is not allowed in the Kroese Hall Courtyard. Nerf Guns, Water Guns, Air Soft Guns (and other such items) are not permitted in the residence halls. If they are found, they will be confiscated immediately. In addition, the student(s) will be charged for any damage to the residence hall caused by the use of a Nerf Gun, Water Gun, Air Soft Gun (and other such items).

## Commercial Sales

Residence hall rooms are for personal use only. Students are not allowed to conduct commercial sales in residence halls. Campus telephones and post office boxes are for personal use and they are not to be used for business purposes.

## Common Areas

Common areas such as hallways, recreation rooms, lounges, rest rooms and kitchens are an integral part of community life. Your help in keeping these areas clean and in good repair is both appreciated and necessary. Lounge furnishings may not be removed from their location. Removal constitutes theft, which is subject to fines. Any student found with University furnishings in their unit will be reported to the Director of Residence Life. Students will

be held responsible for any damage to University property. University provided furniture (beds, dressers, etc.) must remain in the student rooms.

## Guests

Guests are welcome in the residence halls. Overnight guests must be registered with the Resident Director prior to their arrival and follow any instructions/policies concerning guests given by Residence Life. Approved overnight guests are allowed to stay no more than three consecutive nights, with no more than 6 total nights per month and must be escorted by a student at all times. No overnight guest of the sexual preference of the host will be allowed in any room or suite on campus. An overnight guest is defined as any person who does not hold a current housing assignment within the UJ Residence Life system. It is the responsibility of the resident to know the identity of their guest and to see that their guest(s) know(s) all campus policies. Guests are expected to comply with all state, local, University, and residence hall rules and regulations. Guests may be asked to leave if their presence or behavior is such that it is disruptive to the hall and its residents. Residents are responsible for the behavior of their guests and held liable for any loss or damage to property. The rights of a roommate and other residents always supersede those of a guest. No guests under the age of 18 are permitted unless they are immediate family members of residents.

Co-habitation is not permitted on campus. Co-habitation is defined as any off-campus guest sleeping and/or living in the residence halls beyond the approved timeframe OR any on-campus student sleeping and/or living in any residence room other than their assigned space.

Residents cannot charge another person for staying in their room or allow someone to stay for an extended period of time. This constitutes renting out a part of the room and is prohibited.

## Housekeeping

Custodial staff in residence halls do a great deal to make the hall a more comfortable place in which to live. The clean appearance of hallways, rest rooms and lounges is due to their efforts. Custodians are not expected to clean unnecessary messes made by residents. Cooperation in caring for the facilities will create a pleasant atmosphere. Vacuum cleaners, brooms, and mops are available for you. Check with your Resident Assistant, Assistant Resident Director, or Resident Director for these cleaning materials. An ID is required in exchange for the use of these items.

The custodial staff is not responsible for students' personal garbage. Students should place personal garbage in the dumpsters located outside each residence hall. Small, public garbage cans on campus are provided ONLY for small, single items, such as a single candy wrapper. Large and small bagged trash, large quantities of trash, or large items should not be placed in these receptacles and should be discarded in the full-size dumpsters provided.

## Room Personalization

We encourage individual expression through room personalization. Roommates may decorate your room together; however, the University is also concerned for your safety and damage to University property. Accordingly, the following guidelines should be noted before you begin decorating your room.

1. No false walls or floors are permitted.
2. No bed risers and/or lofts outside of the university-sponsored lofts are permitted.
3. Double sided carpet tape is prohibited.
4. Only poster putty or 3M hooks are allowed to hang posters or pictures. Nails, tacks, etc. are not allowed.
5. The outside of room doors and windows are visible to all members of the community, and as such, decorations should be kept to a minimum. Residents will be asked to remove any offensive or inappropriate materials.
6. Decals, bumper stickers and contact paper may not be affixed to University property. Students will be assessed for any and all damages to University property (allowing for normal wear and tear).
7. No painting of walls is permitted.

## Vending Machines

Anyone tampering with any vending machine on campus (pop, candy, snack,) will be subject to a \$50 fine. The responsible student(s) will also be responsible for paying for any damage to the machines as a result of the tampering. If a student loses money in a Pepsi machine, they can be reimbursed through the Office of Residence Life in the Lyngstad 111A. Prior to being reimbursed, students are asked to complete a pop machine trouble ticket, which can be found online at [uj.edu/current-students](http://uj.edu/current-students).

## Appliances

The following cooking appliances are permitted for use in the residence halls:

- Microwaves
- Electric refrigerators smaller than 4.6 cu. ft.

No appliance that has an open (or exposed) heating element may be used in the residence halls. For further clarification on appliances, contact the Office of Residence Life.

Full size refrigerators or freezers are prohibited. Anyone possessing one in their room will be asked to remove it immediately. Failure to comply may result in disciplinary action.

All appliances must be U.L. listed. The resident is responsible for any damages which occur because of the misuse of these appliances. Appliances should not be used in the hallways.

Air conditioning and central heating is provided in campus housing. Personal air conditioners and space heaters are not permitted unless issued by Physical Plant in the event of serious environmental systems malfunction. Air conditioning units may not be used in the winter as the unit will be damaged. Anyone tampering with air conditioning or heating units will be subject to a \$50 fine.

## Bicycles/Roller Blades

Bicycles should be stored on the racks provided outside the residence halls. Bicycles and roller blades are not to be used in the hallways. The University is not responsible for the loss or theft of bicycles. Bicycles may be stored in Raugust Library basement over the winter months.

## Candles

Candles are prohibited, including non-lit candles, potpourri pots, candle warmers, incense, or any device and related accessories that contains an internal heating element with the purpose of heating or melting scented product.

## Darts

Corkboard dart boards and pointed metal darts are not allowed in the residence halls. Electronic dartboards with plastic, blunted tipped darts are permitted.

## Energy

Turn off lights (except hall, stairway and safety lights) when not in use, as well as other items which use electricity. The outlets are not designed to carry large amounts of current. Excessive, simultaneous use of electrical outlets may overload the circuit and cause multiple rooms to lose power.

## Vehicle Extension Cords

Plugging in a car with an extension cord through the window or out a door is prohibited. Outlets are available to rent from the business office. Extension cords found coming out of windows or doors will be confiscated and \$25 fee will be charged to the unit where the cord is found.

## Fire Hazards

Curtains hanging in the doorways of rooms are fire hazards and are not allowed. Also considered fire hazards are flags, tapestries and other flammable wall hangings that are hung near or over electrical outlets or that cover lights and heating equipment. All entrances to rooms, including hallways and exit doorways, must be kept unobstructed by furniture or other student property.

## Keys

Students living in campus housing will be issued one room key and utilize their student ID to gain entrance to their assigned residence hall only. Keys are not to be given to other people — you are responsible for your keys.

If the keys are lost, the student should contact the Resident Director or Assistant Resident Director. There is an \$100 charge per key to replace keys. This covers the cost to cut new key(s) and re-pin the lock. This is done for safety and security.

Keys are not to be duplicated.

## Locked Doors

All residence hall entrances are locked 24 hours a day for the protection of the residents and their property. Anyone propping doors or forcibly pulling open a locked door will be subject to disciplinary action. Students are strongly encouraged to lock their room doors when absent from their room and carry their keys and ID card at all times. This is for their own protection.

## Lofts

A loft rental program is offered to students in all residence halls. For your safety, only approved lofts are allowed in any residence hall. Flyers are available during sign-up in the spring and are mailed to all new students during the summer. These lofts meet standards for distance between the top of the mattress and ceiling and are of sturdy construction.

## Pets

Pets, including but not limited to, dogs, cats, rabbits, rodents, and reptiles, are prohibited from all residence halls except those approved by the Director of Residence Life to reside in Kroeze Hall. Residents must complete all forms through the Director of Residence Life prior to bringing an animal to campus and pay a fee each semester. The Office of Student Affairs reserves the right to require removal of the animal if the student does not adhere to the policies. Fish are allowed but must be housed in a 10-gallon or less tank and taken home over semester breaks. The University will not be held responsible for the safety of fish in the event of electrical power failures. When a pet is discovered, the animal must be removed immediately. Students and their roommates who have an unapproved pet or animal found in their residence are subject to the following fines: \$300 for the first offense and \$500 for the second offense, per pet or animal. Animals required by a resident for health purposes must be approved through Disability Services in the Registrar's Office prior to the animal arriving in a residence hall.

## Repairs

Requests for maintenance should be made through the Resident Assistant, Assistant Resident Director, or the Resident Director. The Resident Director will follow-up with the student to ensure that repairs are complete. The report of a maintenance request authorizes the maintenance personnel to enter and make the proper repair in the student's housing unit. Please report maintenance needs to your Resident Assistant, Assistant Resident Director, or Resident Director as soon as they arise.

## Safety/Maintenance Inspections

A safety or maintenance inspection of all units will be conducted every term and over break or vacation. Items found in violation of campus policy will be removed from the campus housing unit during safety inspections. Residents will receive a notice from the Resident Director

regarding the violation and will be subject to formal discipline sanctions. Notices of these inspections will be sent out via e-mail. Staff members doing the inspections will knock before entering a residence and announce their intention to enter if no one responds before entering. Two staff members will enter a room together. During these scheduled inspections, staff are authorized to confiscate any prohibited appliances or equipment that pose a danger to safety as they deem appropriate. If violations are found during inspections, staff will follow up in writing concerning the violations and include deadlines for the changes to be completed.

## Screens

Due to the resulting damage, removal of screens from residence hall windows will result in a \$25 fine. In addition, a \$10 per day fee will be assessed until the screen is replaced. If the screen is damaged as a result of a student removing it, that student will also be responsible for the cost to repair/replace the screen.

## Cooking Equipment

Due to fire safety, grills are not allowed to be used.

## Check-in/Check-out Procedures

### Check-in Procedures

Students are responsible for reporting any damages on the room inspection form at check-in. You are responsible for the condition of your room. You have ten (10) days after check-in to report any damages in the living unit that are not noted on the original check-in form. After that time, the residents of the living unit will be responsible for any damages, missing furniture, etc. It is your responsibility to communicate with the Resident Director. In addition, you are required to complete an emergency contact card. Both the check-in form and emergency contact card should be turned into your resident director within two days after check-in.

### Check-out Procedures

Check-out sign-up sheets will be posted outside hall staff rooms. All students must sign up for a time with a staff member. Each resident must officially check out of his/her residence hall room with either a Resident Assistant, the Assistant Resident Director, or Resident Director. All housing keys must be turned in at check-out time. Non-return of keys will result in a \$100.00/key charge.

Post Office keys are not the responsibility of Residence Life and must be returned to the Post Office once a student no longer lives on campus.

Fines will be assessed after the Resident Director does the final walk-through. Your room will be checked for any damage or missing furniture when you terminate occupancy. The University will not be responsible for any personal property left behind when you move out of a unit.

The Resident Director or Assistant Resident Director of each building will assess any fines the week following check-out. You are responsible to report any damage to the staff before you check out or note any damages on the check-in/out form. If rooms are not cleaned, specifically swept, vacuumed, mopped, and dusted, a cleaning charge will be assessed. All students that do not check out properly with a staff member will be assessed an improper check-out fee of \$50.

## End of the Year Check-out

All residence halls close at 12 p.m. the day after the last day of finals (typically Friday); unless a student is graduating or participating in the graduation ceremony (band, choir, etc.), those students are permitted to stay until Sunday at 12 p.m. upon verification of participation. All students must be out of the residence hall at that time or there will be a \$50/day charge.

## Semester Break

With the exception of Campus Apartments and Nierling Hall, residence halls will be closed during the semester break. The Residence Halls close Friday at noon of finals week. All residents will be expected to vacate the residence halls during this time. For students remaining on campus over semester break, there is a \$50.00/day charge.

International students are allowed to stay on campus during semester break with no charge. These requests must be valid and made and approved through the Director of Residence Life.

Students will receive notification about residence hall closing dates, deadlines, etc. This information can also be found in the Residence Life Rights and Responsibilities. Residence hall and/or physical plant staff will be conducting routine maintenance inspections during this time. During semester break, students are required to turn down their heat, unplug all items, and insure that all windows are closed. Fines will be assessed if students to not comply with these policies.

## Computers

Residents are responsible for campus computers. This includes financial responsibility for damaged equipment. Any damage should be reported immediately to the housing staff or computer center help desk.

## Contract Cancellation

A housing contract is for the entire academic year. No cancelations will be allowed after the second Friday of the Fall semester; cancelations after this date will result in students being billed for their rooms for the Fall semester, even if they live off-campus.

## Damages

Students are required to keep premises (including furniture and equipment in individual units and common areas) in good condition and, upon termination of their contract, deliver the same in good condition with allowances for reasonable wear. The University reserves the right to enter rooms for repairs or safety checks during vacation or break periods when students are not on campus. When repair is needed during the semester the University will try to give the student notice before entering for such purpose.

Anyone using materials not recommended by or approved of by the Resident Director could be charged for any resulting damages. Painting is not allowed.

Students residing in Wilson or Nierling Halls should be careful not to block the rooms' heaters and students in any building are not permitted to hang blankets over the windows as this can cause frozen pipes and extensive water damage. Room residents will be held responsible for any such damage.

Residents will be billed for any damages to the furniture in their assigned room. Any attributed damage will be sent to the Business Office for billing to the student account. Damages will be charged based on material and labor costs.

You must note on your room check-in and checkout form any damage in your room for which you are not responsible PRIOR to checking out of the room. Students are responsible for notifying their Resident Director or Assistant Resident Director of damages as they happen.

## Common Area Damages

Each student who is a resident in a particular residence

facility (or a particular section) is responsible for all damage caused to University property beyond ordinary wear and tear in common use areas of their residence facility. If, after reasonable investigation, the administration cannot assign responsibility to an individual or individuals, all residents of the particular residence facility (or section) shall be liable for a pro-rated share of the damage. The assessment of charges for damage shall be based upon the actual cost to the University of repairing or replacing the property as determined in the reasonable discretion of the University, the staff time in investigating the damage and affecting the repairs or replacement, and the cost of collecting the charges. The resident will not be liable for damages caused due to an Act of God or another force majeure.

## Disciplinary Action

Living on campus is a privilege granted to students who exhibit responsible behavior. If a student violates a policy or guideline, he or she will be subject to disciplinary action. This action may include, but is not limited to, those discussed in this Handbook. If a policy violation (or the cumulative behavior of a student) is of a very serious nature the room contract of that student could be cancelled and they would have to live off-campus.

Students have the right to appeal any disciplinary action which is claimed against them. They may not appeal the sanction, while admitting responsibility. All requests for appeal must be made in writing to the Dean and must be presented within three (3) business days of the student receiving written notice of the disciplinary action.

In matters regarding disciplinary action, any student who fails to meet with an official of the University, when requested, may be subject to further disciplinary action.

## Incident Reports

In the event that one of the policies contained within this book is violated, the Residence Life staff will complete an incident report which will be given to the Dean and appropriate disciplinary action will be taken.

## Personal Property

The University is not responsible for the security and condition of a student's personal property. Residents are advised to contract and maintain personal property insurance through a commercial insurance agency to cover all risks to their personal property while students are residents at the University.

## Private Rooms

UJ defines a private room as a unit where only one of two occupants remains in the unit. Private rooms may be available, if space permits. If you request and are granted a private room, the fee is an additional \$800/semester. Private rooms are granted on a space available, first come, first served basis.

## Roommate Issues

Students living in the first-year halls will be required to complete a roommate contract and turn it into their Resident Assistant. Students having roommate issues are asked to speak to their roommates about these issues. After this has been tried, he/she may solicit the aid of the Resident Assistant, Assistant Resident Director, or Resident Director if the problem continues. The residence hall staff will work with the students, review the roommate contract, and mediate any and all issues. Final decisions about room changes will be made by the Resident Director and Director of Residence Life.

## Room Changes/Consolidations

Room assignments are made for the entire year. Room changes may be granted during the year but must be approved by the Resident Director and Director of Residence Life.

**Consolidation:** If a vacancy occurs after three (3) weeks into the semester, the remaining resident(s) can stay in the room without the private room charge, provided the room remains in 'ready room' status (see below). Up to the third week of the next (2nd) semester the residents have four options: 1) elect to retain the room as a private, IF SPACE PERMITS and IF RESIDENCE LIFE PERMITS, by paying the private room fee (additional \$800/semester); 2) consolidate by moving or having someone who also needs a roommate move in, within two weeks, to fill the vacancy; 3) have the Director of Residence Life make a reassignment at his/her discretion; 4) Maintain a 'ready room,' defined as one dresser and closet are always open and available for a new student, desk drawers should be cleared out, the beds separated and assembled, but could have sheets or blanket on that can be easily removed.

For assistance in locating a roommate, contact the Director of Residence Life. If, after attempting the first two options, the Director makes a reassignment and the student refuses to fill a vacancy, the refusing student will be charged the private room fee.

## Room Search

Circumstances that would be considered probable cause for the Residence Life Staff to enter and search a room are: excessive noise, excessive traffic to and from a room, smell of alcohol, intoxicated residents leaving the room, viewing alcohol entering the room, reports of alcohol in the room or unit, verbal statements regarding alcohol and suspicion of drug use. The residence hall staff and Campus Security will take great care in evaluating the source and credibility of "reports of alcohol in the room or unit."

Authorized personnel of the University, including employees, agents, contractors and invitees, may enter any residence facility, including a resident's room, at any time for any of the following reasons: emergency, repair, maintenance, health and safety inspections, investigation of violations of this contract, University policies and regulations or investigation of violations of law or ordinances.

The staff will perform a "visual search" of the room, with the exception that all refrigerators may be searched and trash can lids maybe removed. In Nierling Hall and the apartments, the kitchen cupboards may also be searched. All rooms in suites are subject to a visual search. When a student is in his/her room and a policy violation is suspected, the residence hall staff will knock on the door and identify themselves. If the student does not answer the door, the residence hall staff will enter the room to check for a policy violation following the established search guidelines.

The residence hall staff can search students' bags, backpacks, etc., at their discretion. All non-students shall be asked to show ID and shall be subject to allowing Campus Safety and the housing staff to inspect bags at all times, based on their good judgment and discretion.

## Room Sign-up Procedures

Eligible students are given an opportunity to reserve campus housing for the next year in the spring of the current year. Students who have a hold from the business office will need to clear their accounts to be allowed to sign a license contract for the next year. Students must also be registered for classes to be allowed to sign a license contract for the next year.

The Dean may, on occasion, reserve a room to accommodate a student with a medical or limiting physical condition.

Instructions, details, dates, etc. will be emailed out to

students several weeks prior to room sign-up.

After MyUJ student sign-up, students will be emailed by the Office of Residence Life and asked to sign a student housing and meal plan contract. Once the contract is signed, there is a \$100.00 fee if cancelled. After June 1, the fee increases to \$200.00.

## Storage

Due to limited space NO storage is available during the year or over the summer.

## Summer Housing

A limited amount of housing is available on-campus during the summer months. All campus policies and regulations are enforced during the summer months. Information about summer housing will be sent out via e-mail.

# Violations of Student Conduct

Any student found to be in violation of any of the applicable provisions of this policy shall be subject to progressive disciplinary action through the University Student Code of Conduct System. One or more of the sanctions for violations of the UJ Standards of Conduct may be imposed, including probation, suspension or expulsion from the University. As a condition of continued enrollment, the University may require a student to participate in a substance abuse education, assistance, or rehabilitation program.

The University may suspend on an interim basis and/or remove from campus housing a student accused of violating this policy pending a hearing on the violation if it determines that the student's continued presence on campus constitutes a threat to the health, safety or welfare of the student or others or the welfare of the University, its property or personnel.

The University reserves the right to conduct student conduct hearings and take disciplinary action against students who have been charged with violating a federal, state or local drug or alcohol law before, during or after any civil or criminal proceeding or resolution of those charges occur.

## Sanctions

One or more of the following sanctions may be imposed for violations of the UJ Standards of Conduct. Several factors may be considered when determining an appropriate sanction. Such factors to be considered shall be the present demeanor and past student conduct record of the offender, as well as the nature of the offense and the severity of any damage, injury or resulting harm.

### 1. Expulsion

Expulsion constitutes permanent separation of the student from this University. Any student who is expelled shall not be entitled to any tuition or fee refund.

### 2. Suspension

Suspension involves separation of the student from the University for a specified period of time. In particular cases, the student may also be barred from University premises and University associated events or activities during the period of suspension.

### 3. Disciplinary Probation

Disciplinary probation is imposed for a specified period of time. The student on disciplinary probation may be subjected to additional restrictions or obligations during the probationary period. For example, students may be required to consult with a counselor and the Residence Life Office. A sanction of suspension or expulsion will be strongly considered for any student who is found responsible of violating the UJ Standards of Conduct while on disciplinary probation.

### 4. Disciplinary Reprimand

Disciplinary reprimand involves formal written warning to the student or student organization that further misconduct may result in more severe disciplinary action.

### 5. Organizational Dissolution

Organizational dissolution is a sanction imposed only upon student organizations found guilty of serious and/or repeated violations of these standards. The sanction involves permanent withdrawal of recognition by the University, denial of the use of University facilities or funds, and official dissolution of the organization on the campus.

### 6. Restitution

Restitution may be imposed on students whose violation of these standards has involved monetary loss or damage. Restitution becomes a financial obligation to the University and either full payment or an agreement for partial payment according to a schedule agreed to by the Dean is required before the student may register for classes again, or in the case of seniors, before the student may graduate.

### 7. Cancellation of Housing Contract

A student's housing contract may be canceled if the seriousness of the violation warrants such action. Any student who has his/her housing contract canceled shall not be entitled to any housing deposit or fee refund.

### 8. Suspension of Group

Suspension shall consist of the withdrawal of an organization's recognition by the University for a stated period of time when an organization is found to have violated regulations. Suspension shall result in complete suspension of the activities of the group during the stated period of time and may also include conditions for removal of suspension.

### 9. Other Sanctions

Sanctions other than those described above may be imposed for violations of the university conduct standards according to the judgment of the Student Conduct Administrators and where applicable the appropriate Dean. For example, cases of academic dishonesty may lead to vacating of grades or extra work assignments. In other instances, students' participation in extracurricular or athletic activities may be limited. In response to other violations, sanctions may be imposed such as constructive work assignments, community service, educational conferences, referral to educational programs (e.g., Alcohol Education Program), fines or other appropriate sanctions.

## Student Conduct Process

If a student is involved in a possible violation of the student conduct code the following process will be utilized. This process is to be understood as common practice, but if circumstances dictate alternative investigations, hearings, and potential sanctions may be implemented at the discretion of the university.

1. Incident is documented by university staff member
  - a. Incident is documented by university staff member a. Incident Report is submitted to Campus Safety.
  - b. Additional reports and documentation (pictures, texts, recordings, etc.) are also sent to the above.
2. Appropriate Student Affairs staff member determines if Incident Report merits a conduct hearing for each individual listed on Incident Report
  - a. If a hearing is to take place, the case is assigned to conduct hearing officer.
  - b. Case officer will issue written or email notifications to students involved. Notification will contain a list of the policies being investigated, and a time and location where the judicial hearing will occur. Students shall receive this notification at least three days in advance.
3. Conduct Hearing
  - a. Assigned hearing officer will hold the meeting at the designated time and location.
  - b. Hearing officer will review all documented information associated with the case.
  - c. Hearing officer will allow the student to read the

Incident Report and offer testimony on their behalf.

- d. Hearing officer will determine outcome of case within reasonable amount of time.
  - i. Hearing officer will issue written or email outcome letters to student.
  - ii. Hearing officer will inform student of their appeal rights.
- e. Hearing officer will record case information (Incident report & supporting documents), along with conduct hearing notes & case outcome into judicial database.

### 4. Appeals

- a. Appeals must be submitted to the Dean within three class days of the original decision.
- b. Appeal hearing officer/committee will review the case and determine if appeal will be granted or denied. Outcomes include:
  - i. Affirm the finding and the sanction imposed by the original panel.
  - ii. Affirm the finding and potentially increase or reduce, but not eliminate a sanction.
  - iii. Refer the case to a new student conduct committee.
  - iv. Dismiss the case.

Listed below are examples of sanctions assessed to the most common violations: these should be read broadly and are not designed to define sanctions in exhaustive or absolute terms.

- Use of illegal drugs: educational programs (student pays fees associated), random testing, possible removal from campus housing, suspension or expulsion from the university.
- Alcohol: First offense - educational programs (student pays fees associated), research/writing on topic
- Alcohol: Second offense - any of the above plus fines (\$100) and community service may also be imposed.
- Alcohol: Third offense - any of the above plus fines (\$200), possible removal from campus housing, addiction assessment and follow up.

- Vandalism: cost to repair plus possible fine, community service.
- Tobacco use: tobacco cessation classes, fine for repeat offenses.
- Disrespectful behavior: \$50 fine, community service.
- All fines must be paid by the date indicated in the sanction letter or the amount assessed will be doubled and added to the student's account at the Business Office.

In addition to the sanction examples listed above, students who are responsible for violating the UJ Standards of Conduct will be assigned to one of three conduct categories. Each successive conduct category is indicative of increasing level of severity and resulting concern based upon the combination of the severity of the violation in question, and any associated prior history and record in complying with sanctions resulting from previous violations. Each conduct category is associated with guidelines for sanctioning deemed appropriate to that particular category.

*Category A:* A student is assigned to Category A status when they are responsible for the lowest level of violations of UJ Standards of Conduct. A student may accumulate up to two Category A violations (of any kind) and still remain in this category. However, a third Category A type violation will result in the student progressing to Category B status. Sanctions appropriate for Category A include (but are not limited to): warnings; monetary fines; restitution; mediation; community building activities with those negatively affected by the violation; counseling; volunteer service and/or educational projects. Students who fail to complete sanctions required as a result of a Category A violation within the prescribed time period will automatically progress to Category B and will be subject to additional conditions for failure to comply by the stated deadline indicated by the Dean's Office.

*Category B:* A student is assigned to Category B when they are responsible for mid-level violations of UJ Standards of Conduct. Violations appropriate for Category B include (but are not limited to): any lesser violation where there are extenuating circumstances meriting a higher level; a second violation of the university's alcohol policy or first violation of the university's policy on illegal drugs and drug paraphernalia when the violation is possession of a small amount of marijuana or drug paraphernalia. Sanctions appropriate for Category B include (but are not limited to): potential parental/guardian notification for alcohol or controlled substance violations

as permitted by FERPA; monetary fines; restitution; counseling; behavioral contracts; community building; re-assignment from campus residence facilities and/or loss of privileges for a period of 1 to 15 weeks (not including semester break, spring break, Summer Term, summer or any other time the student is not enrolled). Loss of privileges at Category B can include loss of the right to participate in student sponsored activities, intramurals, and/or use of campus facilities. Students who fail to complete sanctions required as a result of a Category B violation within the prescribed time period will automatically progress to Category C and will be subject to additional conditions for failure to comply by the stated deadline indicated by the Dean's Office.

*Category:* A student is assigned to Category C when they are responsible for higher-level violations of UJ Standards of Conduct. Appropriate for Category C include (but are not limited to): any lesser violation where there are extenuating circumstances meriting a higher level; a third or more violation of the university's alcohol policy; or a second violation of the university's policy on illegal drugs and drug paraphernalia when the violation is possession of a small amount of marijuana or drug paraphernalia; or a first violation of the university's policy on illegal drugs considered to be a major violation. At Category C, the student's eligibility to participate in extra-curricular activities is automatically and immediately suspended until such time as the student makes satisfactory progress, as determined by the Dean, in completing sanctions required. Other sanctions which apply to students at Category C include (but are not limited to): automatic parental/guardian notification for alcohol and drug violations as permitted by FERPA; restitution for damages; monetary fines; loss of eligibility to live in student housing; and loss of any other student privileges for up to 32 weeks (not including semester breaks, spring break, or any other time school is not in session or any period when the student is not enrolled in a class). Students who fail to complete sanctions required as a result of a Category C violation within the prescribed time period will be subject to additional conditions for failure to comply by the stated deadline indicated by the Dean's Office. The Dean has the authority to impose any condition or sanction determined appropriate up to suspension or expulsion.

## Athletes

Student athletes in violation of the UJ Standards of Conduct and/or in violation of state laws off-campus may also be subject to disciplinary action by the Athletic Department.

## Interim Suspension/Show Cause

An interim suspension and/or loss of privileges may be imposed upon a student or student organization. The Dean may suspend a student or student organization for an interim period pending student conduct proceedings or medical evaluation. The University shall give the accused student a “show cause” to provide the student with the opportunity to demonstrate why the interim action should not take place or remain in effect. Such an interim suspension and/or loss of privileges, including removal from housing, is to become immediately effective without prior notice, whenever there is evidence that the continued presence of the student or student organization on the University campus poses a substantial threat to himself or herself or to others or to the stability and continuance of normal University functions.

## Referrals

Any person (faculty, staff or student) may refer in a timely manner to the Dean a student or a student organization suspected of violating the UJ Standards of Conduct Code. Persons making such referrals are required to provide information pertinent to the case and will normally be expected to appear before a student conduct board.

## Action in Courts

The Dean will seek to monitor civil or criminal court cases involving UJ students where serious breaches of the law are involved. The University reserves the right to initiate disciplinary action while court action is pending. However, the University may delay disciplinary action until the court action is completed.

## Student Conduct Administrators

The responsibility for administering the Student Conduct System rests with the Dean in the Office of Student Affairs. The responsibilities of this office include:

1. Determination of the disciplinary charges to be filed pursuant to this code.
2. Interviewing and advising parties involved in student conduct proceedings.
3. Supervising, training, and advising all student conduct panels.
4. Maintaining all student conduct records.
5. Developing procedures for conflict resolution when

appropriate.

6. Providing follow-up for any sanctions issued.
7. Conducting an annual review and evaluation of the Student Conduct System.
8. Submission of an annual report to the Board of Trustees which includes the referrals to the University Student Conduct System and a summary of sanctions imposed.
9. Submission of annual campus crime statistics to the US Department of Education. The Dean will review referrals to determine if the case should be resolved by an administrative hearing, before the appropriate student conduct board, or some other means deemed appropriate. The University reserves the right to determine the most appropriate vehicle to resolve alleged violations of the Code of Conduct. Such methods may include panels, administrative hearings, conferences, or mediation.

## Conduct Hearing Procedures

The dynamics of a student conduct hearing in a University setting are not the same as those of a courtroom. Strict adherence to the conventions of courtroom advocacy may not be in the best interest of students in university student conduct proceedings. The panel chair and/or the Dean are authorized to take reasonable measures to maintain control over the proceedings in order to elicit relevant facts, to prevent the harassment of participants, to ensure that proceedings are not disrupted, and the interests of fairness are served. This may include regulating the timing, length and manner of presentations and objections, declaring recesses in the proceedings, and other appropriate actions.

The following procedural guidelines shall be applicable in student conduct hearings:

1. Students shall be provided for their review at the hearing a copy of the Violation Report/Incident Report, which shall include the specific charges against them and a description of the alleged activities. Violation Report/Incident Reports may not be taken at the conclusion of the hearing.
2. Students shall also receive notice of the hearing date, time and location. Students shall receive this notification at least three (3) days in advance. The notification will be sent by e-mail to their official UJ email address. Requests to reschedule for extenuating circumstances are not guaranteed; requests must be

made in writing a minimum of 24-hours prior to the hearing. They shall be submitted directly to the Dean of Students. Hearings cannot be rescheduled for conflicts of a support person.;

3. The hearing will provide the student(s) charged and the person(s) making the referral with an opportunity to present testimony and witnesses or witness statements on their own behalf. Both parties also shall have the right to hear and challenge adverse testimony or witnesses thru the panel.
4. A hearing will be held following proper notice to the student(s) and a decision will be reached regardless of whether all affected parties are present.
5. Withdrawal from the University after a violation report has been filed does not excuse the student from the hearing. Students who fail to appear after proper notice may be deemed to have pleaded responsible to the charges pending against them.
6. Hearings will be closed to the public. An open hearing may be held, at the discretion of the Dean, with the agreement of both the person making the referral and the student being referred. Hearings are considered confidential.
7. The conduct chair or chairperson of committee shall exercise control over the hearing to avoid needless consumption of time, to maintain order, and to prevent the harassment or intimidation of witnesses. Any person who disrupts a hearing or who fails to adhere to the rulings of the chairperson of the hearing panel may be excluded from the hearing.
8. Hearings may be recorded or transcribed. Any tapes or verbatim transcripts of matters arising under this system shall be retained in the custody of the Dean for a minimum of three working days or until after the appeal has been heard, if one has been granted. If a recording or transcript is not made, the decision of the hearing panel must include a summary of the testimony and shall be sufficiently detailed to permit appropriate review of all essential matters in the event that an appeal is filed. Involved parties may review the tape of a hearing after written request to the Dean.
9. Prior to the beginning of a hearing, any party to a case may challenge to the chairperson of committee a member of the hearing panel on the grounds of personal bias. If the hearing is being conducted by a single conduct chairperson, the individual may challenge to the Vice President for Student

Affairs/Dean of Students. Panel members may be disqualified upon determination by the Chair/VP/Dean that a disqualifying factor exists.

10. Witnesses shall be asked to affirm that their testimony is truthful and students may be subject to charges of falsification of information under this Code.
11. Prospective witnesses may be excluded from the hearing during the testimony of other witnesses. All parties, the witnesses, and the public shall be excluded during panel deliberation.
12. It must be established that it is more likely than not that the referred student has violated the UJ Standards of Conduct.
13. Formal rules of evidence applicable in courts of law shall not govern student conduct proceedings under this system. The conduct chair/committee may give consideration to the rules of confidentiality and privilege, but shall otherwise admit all relevant matters as information which reasonable persons would accept as having value in the conduct of their personal affairs. Unduly repetitious or irrelevant testimony may be excluded.
14. The student(s) charged and the person(s) making the referral have an opportunity to question all witnesses through the chairperson/committee.
15. In considering testimony, the conduct chair and/or committee members may consider matters which fall within general experience and which have relevance to the matters under consideration.
16. Students referred for violations of the UJ Standards of Conduct will ordinarily be provided a hearing within twenty (20) class days of the violation report being filed. The hearing will be scheduled within three weeks from the date of the incident whenever possible; extenuating circumstance (semester breaks, etc.) may require extended timelines.
17. Support Person: Any individual accompanying a Complainant or Respondent in the judicial process for personal and emotional support. A Support Person may be present, but may not serve as a witness (and a witness may not serve as a Support Person), and may not speak on behalf of the Complainant or Respondent, or otherwise interrupt the proceedings at any point. An attorney may appear as a support person as long as they are not acting in the role of an

attorney. For example, if either the Complainant or Respondent has a family member or close friend who is employed as an attorney, that person will not be barred from appearing as a support person simply because of their occupation. If an attorney is a support person, the attorney must serve as a Support Person in the same capacity as a non-attorney. Each party may have only one Support Person. Any Support Person who violates their role or acts outside of these guidelines may be directed to resign as the Support Person.

18. Legal counsel, parents or legal guardians of the student referred or the person making the referral are not permitted to attend the hearings. In the event of a hearing involving a serious conduct violation involving potential Clery Act crimes including but not limited to VAWA or hate crimes, legal counsel would be permitted to attend but may not participate or interfere with the hearing proceedings, but can provide moral support for the parties affected.
19. If a student(s) has been found responsible for violating the UJ Standards of Conduct, an additional phase of the hearing process will be included, (not necessarily occurring at the same hearing date or time) in which either party may make statements concerning the impact of the violation and/or the appropriate sanction to be imposed. During this sanctioning phase, the referred student may present character references or statements to testify in his or her behalf. Such testimony is limited to the referred student's background and character, rather than the incident in which the student was involved. All such testimony is heard prior to the deliberation on a sanction. The sanctioning phase shall ordinarily take place immediately following the panel's determination that a violation has occurred.
20. Final decisions of all student conduct committees shall be by majority vote of the members present and voting. A tie vote will result in a student being found not responsible of violating University regulations. A tie vote in an appellate proceeding will result in an affirmation of the original decision.
21. A written decision shall be sent to the referred student at his/her local address or by e-mail within a reasonable time. Copies shall be maintained in the Office of Student Affairs.
22. Student conduct actions will be noted on a student's transcript in those instances when a student has been expelled or when a student has been

suspended for academic dishonesty or event related misconduct.

## Student Conduct Files and Records

Referrals will result in the development of a student conduct file in the name of the referred student. The files are retained in the Office of the Dean. Files will be retained as student conduct records for either:

1. One year from the date of the letter providing notice of final disciplinary action, or
2. When the student graduates from the University. Student conduct records of cases resulting in suspension, expulsion, or organizational dissolution may be retained for longer periods of time or permanently at the discretion of the Dean.

## Student Groups and Organizations

Student groups and organizations may be charged with violations of this Code.

A student group or organization and its officers may be held collectively or individually responsible when violations of this Code by those associated with the group or organization have received the tacit or overt consent or encouragement of the group or organization or of the group's or organization's leaders, officers, or spokespersons. Punishment of one or several individuals for the acts of others should be avoided if the identities of the specific offenders can be readily ascertained. Association does not require formal membership, and individuals who might reasonably be regarded as regular participants in group or organization activities may be held to be associated with the group or organization. The officers or leaders or any identifiable spokespersons for a student group or organization may be directed by the Dean or a designee to take appropriate action designed to prevent or end violations of this Code by the group or organization or by any persons associated with the group or organization who can reasonably be said to be acting in the group's or organization's behalf. Failure to make reasonable efforts to comply with the Dean's directive shall be considered a violation of this Code, specifically "Ignoring or Refusing a Reasonable Request of Authorized University Personnel." Sanctions for group or organization misconduct may include revocation or denial of recognition or registration, as well as other appropriate sanctions outlined in this Code.

## Appeals

Requests for appeals must be submitted to the Dean in the Office of Student Affairs within three class days from the date of the original decision. Failure to appeal within the allotted time will render the original decision final and conclusive. Grounds for an appeal, as stated in the written request, shall be based upon either of the following:

1. Specified procedural errors or errors in interpretation of University regulations were so substantial as to effectively deny the student a fair hearing.
2. New and significant evidence became available which could not have been discovered by a properly diligent student before or during the original hearing.

In the absence of extraordinary or mitigating circumstances, which shall be judged by the committee, the severity of the sanction imposed by the hearing panel shall not constitute grounds for appellate review. All requests for appeals shall be reviewed by the Dean, who shall notify, in writing via official university email, all parties (referring party, referred party, and victims) involved of the results of that review. If the request for an appeal is denied, the original decision becomes final. If an appeal is granted, all parties involved shall be informed, in writing via official university email, that a review of the original decision is being conducted by an appellate panel. A written statement for the appellate review must be submitted to the Student Affairs Office within five class days from the date of the letter notifying the student that an appeal has been granted. Failure to submit a written statement within the allotted time will render the decision of the original board final and conclusive. Appeals shall be decided upon the record of the original proceeding and upon written statements submitted by the parties. Completely new hearings shall not be conducted by the appellate panel.

Appellate panels may:

1. Affirm the finding and the sanction imposed by the original panel.
2. Affirm the finding and potentially increase or reduce, but not eliminate, a sanction.
3. Refer the case to a new student conduct panel.
4. Dismiss the case. Cases may be dismissed only if the finding is held to be arbitrary and capricious.

Ordinarily, cases will be referred to a new student conduct panel only in those instances in which the

appeal has been granted because of new and significant evidence.

Decisions of the appellate panel which include sanctions of suspension or expulsion shall be recommendations to the Dean. Decisions of the appellate panel which include a sanction of cancellation of housing contract shall be recommendations to the Dean and the Director of Residence Life. Decisions altering the determinations of all hearing panels shall be in writing via official university email. The imposition of sanctions will normally be deferred while appellate proceedings are pending at the discretion of the Dean. Cases involving academic dishonesty shall be reviewed by or appealed to the Vice President for Academic Affairs.

# Formal Student Complaint Process

UJ is dedicated to providing students with resources that will better equip them to have the best possible college experience in positive and empowering ways. This policy and procedure is available to students who have a complaint regarding a process or person of the university community not covered by existing policies (academic grade policy, discrimination/harassment, grade appeal and resident life conflict). The objective of the complaint policy is to resolve issues as quickly and efficiently as possible at the level closest to the student.

**Complaint:** A statement that a situation is unsatisfactory or unacceptable.

## Procedure:

1. The student will submit the complaint utilizing the online form on the UJ website. The submission will be received by Dean of Engagement and Student Affairs.
2. Complaints will be forwarded to the appropriate academic or nonacademic area for follow up as noted below.
  - a. Academic complaints to the appropriate Department Chair or Director
  - b. Student Affairs complaints to the appropriate Director of Residence Life or Student Activities
  - c. Business Office complaints to the Vice President of Finance and Business Affairs
  - d. Financial Aid complaints to the Director of Financial Aid
  - e. Records and Registration complaints to the Registrar
  - f. Unlawful Discrimination and Harassment complaints to the Title IX Coordinator or Director or Residence Life
  - g. A complaint against the Provost, a Department Chair, Dean, Director or Vice President is submitted to the direct supervisor, such as the Provost or President
  - h. A complaint against the President is submitted to the Chair of the Board of Trustees
- i. Other complaints to the Director of Human Resources

## Level 1 Complaint Process

Absent extraordinary circumstances, the person, normally a Chair or Director, to whom the complaint has been submitted conducts, within seven (7) business days of receiving the complaint, a formal conference with the student, permitting her or him to provide any necessary relevant information. The Chair or Director confers with the other person or persons involved and conducts an additional investigation as he or she deems necessary. Absent extraordinary circumstances, a written recommendation is sent within seven (7) business days of the first formal conference. The recommendation is sent to the student and the other involved person or persons. The written recommendation states the background information, the rationale for the recommendation, and the recommended remedy, if any. Copies of the original complaint and the written recommendation are kept in the Vice President for Student Affairs/Dean of Students for a minimum of five years.

## Level 2 Complaint Process

If the complaint is not resolved in level 1, the student or one of the other involved parties may, with fourteen (14) business days of receipt of the level 1 recommendation, appeal to the direct supervisor of the person who wrote the recommendation. Absent extraordinary circumstances, the supervisor holds a meeting within fourteen (14) business days of receipt of the appeal or complaint. Absent extraordinary circumstances, a written recommendation is sent to the student and others within fourteen (14) business days of such meeting. In cases of appeals to level 2, copies of the original complaint and the level 1 and 2 written recommendations are kept in the Vice President for Student Affairs/Dean of Students for a minimum of five years.

## Level 3 Complaint Process

Except in the case of a complaint against the President, where the Board of Trustees has final authority, appeals of the level 2 recommendation are submitted to the President within fourteen (14) business days. The President makes the final decision. Absent extraordinary circumstances, the President's written decision is sent to the student and other

parties within fourteen (14) business days of receiving the level 3 appeal. In cases of appeals to level 3, copies of the original complaint, the previous written recommendations, and the final decision are kept in the Vice President for Student Affairs/Dean of Students for a minimum of five years.

## Documentation

Student Complaints will be recorded with outcomes in the Dean of Student Engagement and Student Affairs office. Quarterly reports will be submitted to the President's Cabinet with the following information:

- Total number of complaints
- Nature of complaints received by generic category
- Summary record of each complaint received and action taken
- Total number or appeals and percentage of decisions which were either upheld or overturned
- An annual analysis of any trends in complaints noticed and steps already taken or recommended courses of action to address these trends.



## Index

Absence .....	21	Documentation .....	74
Academic and Administrative Policies .....	21	E-Mail .....	12
Academic Dishonesty .....	21	E-Mail Policy .....	30
Action in Courts.....	69	Emergency Assistance .....	40
Administrative Withdrawal.....	22	Emergency Protocols .....	33
Advising.....	9	End of the Year Check-out.....	63
Alcohol Policy .....	36	Endangering the Health and Safety of Self or Others .....	37
Appeals .....	72	Energy .....	61
Appliances .....	61	Entry of Restricted Areas.....	35
Athletes .....	68	External Fundraising .....	22
Bicycles/Roller Blades.....	61	Facility Rules .....	17
Business Office		Faculty Advisors .....	9
Taber Hall .....	9	Falsification of Information .....	31
Cable TV.....	12	Family Educational Rights and Privacy Act (FERPA) .....	23
Calendar of Events.....	10	Filing of Applications .....	23
Campus Room and Board Scholarship Proration.....	59	Filing Procedures .....	23
Campus Safety		Final Review and Approval or Denial .....	23
Lyngstad Center .....	10	Financial Aid	
Campus Security Act of 1990 .....	11	Taber Hall .....	13
Campus Wellness		Fire Emergency Protocols .....	33
Foss Wellness Center and Larson Center .....	17	Fire Hazards .....	61
Cancelled Classes .....	22	Firearms/Explosives/Weapons .....	32
Candles .....	61	Food Plan Policies.....	13
Career Center		Formal Student Complaint Process .....	73
Raugust Library .....	11	Gambling .....	37
Check-in Procedures .....	62	General Technology Use Guidelines .....	29
Check-in/Check-out Procedures .....	62	Grades .....	16
Check-out Procedures .....	62	Graduation .....	16
Commercial Sales .....	59	Guests .....	60
Common Area Damages .....	63	Hate Crimes .....	38
Common Areas .....	59	Hazing .....	34
Community Statement .....	7	Health Contacts .....	14
Computers.....	63	Health Services .....	14
Conduct Goals and Standards .....	28	Housekeeping.....	60
Conduct Hearing Procedures .....	69	Housing Eligibility .....	59
Consequence of Non-Compliance .....	23	I. Statement of Philosophy .....	40
Contract Cancellation .....	63	Identification Card .....	14
Cooking Equipment .....	62	If Approved, After the Event .....	23
Counseling Services.....	13	II. Purpose of Policy .....	40
Damages .....	63	III. Notice of Nondiscrimination.....	41
Darts .....	61	Illegal Drug Policy .....	35
Definition of Hate Crimes.....	38	Incident Reports .....	64
Department of Athletics.....	19	Information Technology Use Policy .....	28
Department Phone Listings.....	6	Inherent Authority.....	28
Dining Services		Interim Suspension/Show Cause .....	69
Westminster .....	13	Interpretation.....	8
Disability Services .....	9	Intramural Sports .....	19
Disciplinary Action.....	64	Introduction.....	7
Discriminatory Conduct.....	32	IT/Computers	
Disruptive Behavior .....	32		

Sorkness Hall .....	11
IV. Applicability of Policy.....	41
IX. Amnesty for Personal Ingestion of Alcohol or Other Drugs.....	48
Jimmie Connection	
Lyngstad Center.....	14
Keys.....	61
Labs .....	12
Level 1 Complaint Process .....	73
Level 2 Complaint Process .....	73
Level 3 Complaint Process .....	73
Locked Doors.....	61
Lofts.....	62
Message from the President.....	4
Misconduct of Campus Organizations and Student Groups .....	35
Missing Student Policy and Procedure .....	26
Mission Statement .....	5
Music .....	19
MyUJ Portal.....	12
Name/Address Change .....	17
Nondiscrimination Statement .....	7
Obstruction of the Rights of Others .....	32
On-Campus Incidents .....	38
Online and Social Media Conduct .....	29
Organizations.....	19
Parking.....	26
Parking Areas.....	26
Performing Arts	
Reiland Fine Arts Center.....	19
Personal Property.....	64
Pets .....	62
Post Office	
Lyngstad.....	15
Preventing Discriminatory Behavior .....	38
Printing .....	12
Private Rooms.....	64
Procedure: .....	73
Public Disturbances .....	36
Publications .....	15
Pursuing Judicial and/or Criminal Action.....	38
Quiet Hours.....	59
Raugust Library .....	15
Referrals.....	69
Refusing a Reasonable Request .....	37
Registrar	
Taber Hall .....	16
Religious Life	
Badal Nafus.....	17
Repairs .....	62
Reporting Hate Crimes .....	38
Residence Hall Policies and Guidelines .....	59
Residence Hall Sports .....	59
Rights and Privacy .....	17
Roofs/Windows .....	37
Room Changes/Consolidations .....	64
Room Personalization .....	60
Room Search.....	65
Room Sign-up Procedures .....	65
Roommate Issues .....	64
Safety Tips .....	11
Safety/Maintenance Inspections .....	62
Sanctions.....	66
Screens .....	62
Semester Break .....	63
Service Department	
Taber Hall .....	17
Services and Resources.....	9
Sexual Harassment and Sexual Assault .....	39
Sexual Misconduct and Title IX Policy and Procedures..	40
Software .....	12
Solicitation/Posting .....	37
Standards of Conduct.....	28
Statement of Purpose .....	22
Statement of Values .....	5
Storage .....	65
Student Activities	
Lyngstad.....	19
Student Activities and Organizations.....	19
Student Conduct Administrators .....	69
Student Conduct Files and Records .....	71
Student Conduct Process.....	67
Student Groups and Organizations.....	71
Student Senate.....	20
Student Success Center (SSC)	
Raugust Library.....	9
Student Work Study Program .....	13
Study Abroad	
Raugust Library.....	11
Summer Housing .....	65
Technology Helpdesk .....	12
Textbooks.....	15
Theatre .....	19
Theft, Destruction and/or Abuse of Property .....	32
Tickets and Fines .....	26
Tobacco-Free Campus .....	26
Tornado Emergency Protocols.....	34
Tutoring Services .....	9
University Information.....	5
University of Jamestown Name .....	27
University Property .....	37
University Student Handbook .....	3
V. Jurisdiction Over Reports of Prohibited Conduct .....	41
Vehicle Extension Cords.....	61
Vehicle Operation .....	26
Vending Machines .....	60

Veterans .....	17
VI. Definitions .....	42
VII. Confidential Resources .....	47
VIII. Reporting a Title IX Concern.....	47
Violations of Law and Student Conduct Regulations .....	28
Violations of Student Conduct.....	66
Violence to Persons/Physical or Verbal Assault.....	32
Vision Statement.....	5
WiFi Network .....	12
Winter Parking.....	26
Withdrawal from the University .....	17
X. Timeliness of Reporting.....	48
XI. Reporting and Confidentiality .....	48
XII. Outreach to the Complainant and Intake Meeting....	48
XIII. Title IX Grievance Process .....	50
XIV. Notice of Allegations for Title IX Grievance Process .....	51
XIX. Determination Regarding Responsibility for Title IX Grievance Process .....	54
XV. Dismissal of a Formal Complaint for Title IX Grievance Process .....	51
XVI. Consolidation of Formal Complaints for Title IX Grievance Process .....	51
XVII. Investigation of Formal Complaints for Title IX Grievance Process .....	51
XVIII. Live Hearing for the Title IX Grievance Process .	52
XX. Supportive Measures .....	55
XXI. Responsibilities and Rights of the Parties and Witnesses .....	55
XXII. Informal Resolution.....	56
XXIII. Recordkeeping.....	56
XXIV. Sanctions .....	57
XXV. Remedies .....	57
XXVI. Appeals .....	57

