CLARION UNIVERSITY

COURAGEOUS. *confident.* CLARION.

Clarion University Community Standards 2019-2020

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ALCOHOL AND OTHER DRUG POLICY

To comply with the Drug Free Schools and Communities Act of 1989 (DFSCA) and subsequent amendments, students and employees of Clarion University are informed that strictly enforced policies are in place which prohibit the possession, use or distribution of any illicit drugs, including alcohol, on Clarion University property or as part of any Clarion University-sponsored activity unless event-specific permission is given for of-age students to consume alcohol moderately. Students and employees are also subject to all applicable legal sanctions under local, state and federal law for any offenses involving illicit drugs on Clarion University property or at Clarion University-sponsored events.[1]

Clarion University affirms that illegal drug use is unlawful and harmful. The use of illegal drugs and alcohol abuse by students and employees could result in cognitive deficits, loss of productivity, and other health risks. These risks include an increased risk of accidents, which may result in death or permanent injury. Free, confidential counseling for alcohol and other drug abuse issues is available to students and employees through Clarion University Counseling Services, Health Services, and the employee assistance program. Other resources may include assessment, individual counseling, educational programs, materials, and referral and case management through community agencies, all of which might include a fee.

Students exhibiting signs of excessive alcohol consumption will be transported via Emergency Medical Services (EMS) at the student's expense for medical attention. Refusal to cooperate with EMS personnel may result in arrest in order to ensure the student's health and safety and/or a conduct complaint for disorderly conduct and/or failure to comply.

A. Parental Notification Policy

[1] Pennsylvania Crimes Code (Alcohol) http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/00.063.008.000..HTM

Clarion University is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships and, ultimately, their future.
Clarion University alcohol policy expressly forbids possession and/or consumption of alcohol by students, employees or guests who are under the minimum legal drinking age of 21 years. Possession of drug paraphernalia and the use, manufacture, sale, or distribution of illegal drugs, whether on or off campus, by any student is also prohibited. In accordance with the Family Educational Rights and Privacy Act (FERPA), the Director of Student Engagement and Development (or designee) reserves the right to notify the parents/guardians of students under 21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating the Clarion University alcohol and drug policy.

B. Alcohol Policy

The following sections describe Clarion University policy regarding the sale, service, distribution, and consumption of alcoholic beverages in accordance with federal, state and local laws. The alcohol policy is applicable to all Clarion University students regardless of whether the actions take place on or off University property or at Clarion University-sponsored events, programs, or activities.

Students who are of legal drinking age may not share or provide alcohol to anyone who is under 21 years of age. Those under the minimum legal drinking age of 21 years are not permitted to possess or consume alcohol. Drinking games, and simulated drinking games (e.g. water pong) are prohibited. No alcohol is permitted on campus or in University-affiliated-housing; however, students who are 21 years of age or older are permitted to possess and consume alcohol in their personal bedroom at Reinhard Villages. If everyone in an apartment at Reinhard Villages is 21, then alcohol can be possessed and consumed in the common areas of the apartment.

The Office of the President reserves the right to have designated events on campus where alcohol may be present.

Examples of Violations of the Clarion University Alcohol Policy

- Purchasing alcohol by a person under the age of 21.
- Selling or providing alcohol to a person under the age of 21.
- Possessing either full or empty alcohol containers by a person under the age of 21.
- Consuming alcohol by a person under the age of 21.
- Showing physical or mental impairment following or resulting from alcohol use.
- Possessing empty alcohol containers for decorative purposes in campus housing, regardless of age.
- Using or possessing common sources of alcohol including, but not limited to kegs, party balls, punch bowls, wine boxes, etc.
- Participating in or being present during the occurrence of any drinking game.

- Possession of beer bongs, beer pong tables, and other devices used or manipulated for use in any drinking game.
- Possessing an open container of alcohol in a common area including, but not limited, to bathrooms, hallways, lounges, elevators, lobbies or outdoor spaces.
- Driving under the influence of alcohol.
- Violations of Clarion Borough Ordinance related to open containers.
- Public Intoxication.
- Over Intoxication in a University Housing building or other campus building.

As stated in Section 4 of the *Student Code of Conduct*, "failure to comply with the reasonable directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so", is considered unacceptable behavior for a University student. An example of such behavior includes refusing to submit to a breath test when requested by a police officer, whether on or off-campus, which is considered a violation of the University *Student Code of Conduct* and may result in conduct sanctions.

Examples of Clarion University alcohol policy violations and their sanctions are listed below. Sanctions are dependent upon a number of factors including, but not limited to: hearing officer discretion, the nature and severity of the incident, a student's conduct history and a student's cooperation throughout the conduct process.

a) *Minor in Possession/Consumption of Alcohol Policy Violations*:

1. First Offense—Possible sanctions and institutional actions include, but are not limited to:

    - Participation in an alcohol education activity (BASICS), at the student's expense and as determined by the Director of Student Engagement and Development (or designee);

    - Online Judicial Educator Module(s);

    - Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years;

    - Reprimand up through suspension or expulsion from housing and/or the University; and/or

    - Other sanctions as determined by the Director of Student Engagement and Development (or designee).

2. Second Offense— Possible sanctions and institutional actions include, but are not limited to:

- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;

- Judicial Mentoring Program mandated meetings;

- Authorship of a research/reflection essay;

- Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years;

- Reprimand up through suspension or expulsion from housing and/or the University; and/or

- Other sanctions as determined by the Director of Student Engagement and Development (or designee).

3. Third and Subsequent Offenses— Possible sanctions and institutional actions include, but are not limited to:

    - Suspension or expulsion from University housing and/or the University;

    - Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years; and/or

    - Other sanctions as determined by the Director of Student Engagement and Development (or designee).

b) *Purchasing, Selling or Providing Alcohol to Minors*:

1. First Offense— Possible sanctions and institutional actions include, but are not limited to:

    - Judicial Mentoring Program mandated meetings;

    - Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;

    - Participation in an alcohol education activity (BASICS), at the student's expense and as determined by the Director of Student Engagement and Development (or designee);

- Authorship of a research/reflection essay;
- Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years;
- Notification of law enforcement authorities;
- Eligibility restrictions;
- Reprimand up through suspension or expulsion from housing and/or the University;
- Community service hours to be performed at a specific location as determined by the Director of Student Engagement and Development (or designee); and/or
- Other sanctions as determined by the Director of Student Engagement and Development (or designee).

2. Second and Subsequent Offenses— Possible sanctions and institutional actions include, but are not limited to:
   - Suspension or expulsion from the University;
   - Notification of law enforcement authorities;
   - Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years; and/or
   - Other sanctions as determined by the Director of Student Engagement and Development (or designee).

c) *Driving Under the Influence/Driving While Intoxicated*: Clarion University is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles. In accordance with state law, the University abides by the legal definition of *intoxicated* as "not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body" or at least a 0.08 Breath or Blood Alcohol Concentration. In addition, students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol and subject to penalties under that offense.

1. First Offense— Possible sanctions and institutional actions include, but are not limited to:

    - Loss of driving and/or parking privileges on campus for a specified period of time;

    - Participation in an alcohol education activity (BASICS), at the student's expense and as determined by the Director of Student Engagement and Development (or designee);

    - Community services hours to be performed at a specific location as determined by the Director of Student Engagement and Development (or designee);

    - Authorship of a research/reflection essay;

    - Notification of parents/guardians of dependent students or those under the minimum legal drinking age of 21 years;

    - Eligibility restrictions; and/or
    - Reprimand up through suspension or expulsion from the University;

    - Other sanctions as determined by the Director of Student Engagement and Development (or designee).

2. Second and Subsequent Offenses — Possible sanctions and institutional actions include, but are not limited to:

    - Suspension or expulsion from the University;

    - Notification of law enforcement authorities;

    - Notification of parents/guardians of dependent students and those under the minimum legal drinking age of 21 years; and/or

    - Other sanctions as determined by the Director of Student Engagement and Development (or designee).

C. Illegal Drug Policy

Clarion University prohibits the sale, manufacture, distribution, possession, and use of illegal drugs on or off Clarion University property or at Clarion University-sponsored events, programs, or activities.

The following sections describe Clarion University's policy regarding the sale, manufacture, distribution, possession and use of illegal drugs on or off Clarion University property or at Clarion University-sponsored events in accordance with federal, state and local laws. Examples of violations include:

- Misuse of over-the-counter drugs.
- Misuse or sharing of prescription drugs.
- Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug.
- Possessing paraphernalia (i.e., rolling papers, pipes, bongs, etc.) for intended or implied use of any form of illegal drug.
- Possessing paraphernalia that contains or appears to contain illegal drug residue.
- Purchasing or passing illegal drugs from one person to another.
- Using mail services to purchase, pass, or distribute illegal drugs.

This policy provides flexibility for Clarion University in addressing drug-related offenses which occur on- or off-campus. Moreover, it permits Clarion University to address its fundamental mission of holistic education and the development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, Clarion University must address the education and well-being of all its students and employees. In addition to Clarion University-imposed sanctions, students and employees are subject to all legal sanctions under federal, state and local law for any offenses involving illegal drugs on Clarion University property or at Clarion University events.[2]

Safe Harbor

Clarion University has a Safe Harbor policy for students. Clarion University believes that students who have a drug and/or addiction problem deserve help. If any Clarion University student brings their own use, addiction or dependency to the attention of Clarion University officials outside the threat of drug tests or imposition of the conduct process and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and the campus conduct process will be initiated.

Violations of Clarion University Illegal Drug Policy

Examples of Clarion University drug policy violations and their subsequent sanctions include the following.

a) *Manufacture, Sale or Distribution of Illegal Drugs*:

1. First Offense—Possible sanctions include, but are not limited to:

[2] Drug Offenses: Maximum Fines and terms of Imprisonment for Violation of the Federal Controlled Substances Act and Related Laws: https://www.fas.org/sgp/crs/misc/RL30722.pdf.

- Expulsion or suspension from Clarion University;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Notification of law enforcement authorities;
- Participation in a drug education activity (CASICS), at the student's expense and as determined by the Director of Student Engagement and Development (or designee); and/or
- Other sanctions as determined by the Director of Student Engagement and Development (or designee).

b) *For the Possession or Use of Drug Paraphernalia, Synthetic Substances and/or Illegal Drugs*: Drug paraphernalia (e.g. bongs), illegal drugs, and synthetic substances (e.g. K2, Spice, Bath Salts, and the like) whose common purpose is to replicate the effects of illegal substances are prohibited on campus.

1. First Offense—Possible sanctions include, but are not limited to:

- Suspension or expulsion from Clarion University housing;
- Expulsion or suspension from Clarion University. A suspension may be for a period of not less than the remainder of the semester in which the infraction occurred;
- Participation in a drug education activity (CASICS), at the student's expense and as determined by the Director of Student Engagement and Development (or designee);
- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;
- Judicial Educator Modules;
- Authorship of a research/reflection essay;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Notification of law enforcement authorities; and/or

- Other sanctions as determined by the Director of Student Engagement and Development (or designee).

2. Second Offense— Possible sanctions include, but are not limited to:

    - Expulsion or suspension from Clarion University;

    - Notification of parents/guardians of students under 21 years of age and older dependent students;

    - Notification of law enforcement authorities; and/or

    - Other sanctions as determined by the Director of Student Engagement and Development (or designee).

FREE SPEECH POLICY

Clarion University supports every individual's right to freedom of expression consistent with the forum (area of campus) in which the expression is made. Clarion University also recognizes the importance of fostering a culture of tolerance and civility that is a cornerstone for the accomplishment of its educational goals.

Within the classroom, visual and/or oral demonstrations, depictions or conduct that may be offensive to an individual will not be restricted when there is a legitimate pedagogical context, such as material having an appropriate connection to course subject matter. Similarly, campus discourse on topics of political, artistic or social issues that are conducted consistent with the nature of the forum and reasonable institutional limitations (registration to use certain spaces; time, place and manner regulations, etc.) that are clear and unambiguous will be supported.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of Clarion University's control (e.g. not on University networks, websites or between University email accounts) will only be subject to this policy when those online behaviors can be shown to cause a substantial on-campus disruption. Otherwise, such communications are considered speech protected by the 1st Amendment. Remedies for such conduct will be provided, but protected speech cannot be legally subjected to discipline.

Expression that is severe, persistent, and objectively offensive, that is directed toward an individual based upon that individual's protected status (e.g., sex/gender, race, ethnicity, national origin, disability or age) and has the effect of limiting or denying educational or employment access, benefits or opportunities (creates a hostile environment) is not a protected form of speech or expression, and can form the basis of a violation of the campus harassment, bullying, or discrimination policies. Other limitations on free speech include: endangering someone or threatening them; inciting violence; using "fighting words" directed at an individual or group that directly provoke violence; defamation; obscenity; and expression that has a discriminatory effect such that it limits or denies someone's educational or employment access, benefits and/or opportunities.

Assembly Policy

Clarion University's campus primarily exists to serve as the vehicle through which its students, faculty, and staff advance the institution's educational Mission. As a public university, part of that mission includes encouraging the free exchange of viewpoints and ideas by individuals or groups regardless of their affiliation with the University. The University also has a significant interest in furthering its educational mission and protecting the educational experience of its students by ensuring the safety and security of the campus.

Clarion University acknowledges the rights of individuals, regardless of their affiliation to the University, to assemble in groups. Therefore, anyone may distribute printed material, offer petitions for signature, make speeches, and hold protests or demonstrations outside university buildings. All such activities must avoid acts or credible threats of violence and preserve the normal operation of the University.

This policy prohibits harm to others, damage to or defacement of property, blockage of access to University buildings, or the disruption of classes. The enforcement of this policy will not depend in any way on the message or sponsorship of the act or event. Should events be deemed by the University Administration to interfere with the operation of the University, jeopardize the public safety, and/or fail to abide by the standards set forth above, the University Police may take any actions they deem appropriate, including ending the event. Failure to abide by the directives of the University Police may result in citation and/or arrest.

Gambling Policy

Students are expected to abide by the federal laws and the laws of the Commonwealth of Pennsylvania prohibiting illegal gambling, including online gaming. Gambling for money or other things of value on campus or at Clarion University-sponsored events is prohibited except as permitted by law. Such prohibited activity includes, but is not limited to: betting on, wagering on, or selling pools on any Clarion University athletic event; possessing on one's person or premises (e.g., room, residence unit, car) any card, book or other device for registering bets; knowingly permitting the use of one's premises or one's phone or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel related to illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and involvement in bookmaking or wagering pools with respect to athletic events.

Guest Speakers Policy

It is the policy of the campus to foster a spirit of free inquiry and to encourage the timely discussion of the broad range of issues that concern our community, provided that the views expressed are stated openly and are subject to critical evaluation.

A. Student Organization Responsibilities

A recognized student organization may invite guest speakers to the campus, subject to the following provisions:

a) Sponsorship must be by an institutionally recognized student organization.
b) Proper arrangements for the use of University facilities must be made, consistent with institutional policy.
c) It must be clear that the student organization, not Clarion University, is extending the invitation and that any views the speaker may express are his or her own and not those of Clarion University.
d) The student organization must take whatever steps are necessary to ensure that the event is conducted in an orderly manner. This may necessitate consultation with University Police and/or hiring of outside security.
e) The student organization must comply with any and all conditions for the orderly and scholarly conduct of the event.

ANTI-HAZING POLICY

All acts of hazing are prohibited. Students are entitled to be treated with consideration and respect and no student or Clarion University registered student club or organization shall engage in an act that is likely to cause physical or psychological harm to any other person within Clarion University community. Furthermore, any such behavior is expressly forbidden when related to the admission, initiation, pledging, joining, continued membership in, or any other group-affiliation activity. Organizations that have local/regional/national/international governing bodies, headquarters or similar entities are also expected to adhere to policies they may have regarding hazing.

Under the Pennsylvania Crimes Code, 18 Pa.C.S. §§ 2801 *et seq*., hazing is defined as follows:

A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student, applicant or admitted individual into or with an organization, or for the purpose of continuing or enhancing a minor or student, applicant or admitted individual membership or status in an organization, causes, coerces or forces a minor or student, applicant or admitted individual to do any of the following:

1) Violate federal or state criminal law;
2) Consume any food, drink, alcoholic liquid, drug or other substance that subjects the minor or current student, applicant or individual to a risk of emotional or physical harm;
3) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements;

4) Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
5) Endure brutality of a sexual nature; and
6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student, applicant or admitted individual.

The definition of hazing does not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

Hazing is also a crime and constitutes a summary offense. If the hazing results in or creates a reasonable likelihood of bodily injury to a minor or student, applicant or admitted individual, it is a misdemeanor of the third degree. Hazing that results in serious bodily injury or death to a minor or student, applicant or admitted individual where an person acts with reckless indifference to the health and safety of a minor or student, applicant or admitted individual or the person causes, coerces or forces the consumption of an alcoholic liquid or drug by the minor or student, applicant or admitted individual is considered aggravated hazing and is a felony of the third degree.

The University and organizations are subject to criminal penalties for intentionally, knowingly and recklessly promoting or facilitating hazing or aggravated hazing.

Consent is not a defense to a criminal charge of hazing or a charge under the University's Student Code of Conduct. The sanctioning or approval of the conduct by the University is not a defense to a criminal charge of hazing or a charge under the University's Student Code of Conduct.

Organizations are defined as: A fraternity, sorority, association, corporation, order, society, corps, club or service, social or similar group, whose members are primarily minors, students or alumni of the organization, or the University.

Pennsylvania's Anti-Hazing Law[1] requires each institution of higher education to adopt a written anti-hazing policy and, pursuant to that policy, adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution from engaging in any activity which can be described as hazing.

Policies adopted pursuant hereto shall apply to acts conducted on- or off-campus whenever such acts are deemed to constitute hazing.

Sanctions

In addition to any criminal and civil penalties, students, clubs and organizations found responsible for violating this policy will be sanctioned according to the Student Code of Conduct. Possible sanctions range from probation to expulsion for individual students and probation to permanent revocation of recognition for clubs and organizations. These sanctions will be in addition to any other sanction(s) imposed for violation(s) of other University policies to which the violator may be subject.

Faculty, staff, and coaches who fail to prevent hazing of students will be reported to Human Resources. Alumni and volunteers will be reported to any applicable national organization and may be excluded from future activities on campus.

The University reserves the right to communicate incidents of hazing to any Inter/National organization operating on Clarion's campus as well as prospective students and their families.

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[1]Link to Pennsylvania's Anti-Hazing Law:
https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=28&sctn=1&subsctn=0

Amnesty

The amnesty policy outlined in the Student Code of Conduct is applicable to incidents of hazing under the following circumstances:

1) For Reporting Parties

The University provides amnesty to reporting parties who may be hesitant to report to University officials because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident. Educational opportunities will be explored, but no conduct proceedings or conduct record will result.

2) For Those Who Offer Assistance

To encourage students to offer help and assistance to others, the University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Director of Student Engagement & Development, amnesty may also be extended on a case-by-case basis to the person receiving assistance. In the instance of hazing, a student who makes a best and first effort to seek medical attention for any student(s) endangered by possible acts of hazing will be offered amnesty. Educational options will be explored, but no conduct proceedings or conduct record will result.

3) For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational option will be explored by no conduct proceedings or record will result.

Amnesty under this policy may not prevent civil, criminal, or parent organization action from being taken. Organizations are exempt from receiving amnesty through the University.

Abuse of amnesty requests can result in a decision by the Director of Student Engagement & Development not to extend amnesty to the same person repeatedly.

Examples of Hazing Include the Following:

a) Clem was inducted into an unrecognized club that was made up of some members of Clarion University marching band. As part of the induction activities, Clem was asked to do calisthenics half-naked in extreme heat at the request of club leaders. Clem was told he did not have to do them, but that all members did them and it improved their on-field stamina. Clem voluntarily engaged in the calisthenics. *This type of behavior violates the hazing policy, regardless of the "voluntariness" of Clem's decision.*

b) Rick joined Omega Pi Lambda, a fraternity. His pledge class took an oath not to haze, and was repeatedly warned of the fraternity's anti-hazing policy by current members. Rick's pledge class had heard of the long history of hazing that had gone on in their fraternity before they joined, and they felt like they were missing out. All the members had earned their stripes, but Rick's class was under new rules. They wanted to prove themselves to their brothers, so one night, Rick and his pledge class secretly invaded Rho Mu Alpha, and stole their flag. The following Sunday, in a solemn presentation, Rick and his cohorts presented the flag of their rival to their chapter leaders, who accepted it with honor and much conversation about how the covert mission was accomplished. The leaders of Omega Pi Lambda faced accusations of violating Clarion University's abusive affiliation policy. They argued that they did not take the flag, and expressly told the new initiates not to haze. *Clarion University found them in violation for encouraging the activity by accepting the flag, glamorizing its theft, and failing to report the behavior to Clarion University officials once they were aware of it.*

POSTING

Clarion University supports the freedom to publicize events and distribute materials by internal or external entities relating to functions on-and off-campus which benefit the Clarion University community and are consistent with Clarion University's values.

General Posting Policy

The university reserves the right to regulate the time, place, and manner of the posting and distribution of printed material on campus and in all University facilities. The University is not responsible for monitoring the content of publicity materials developed by individual students, Recognized Student Organizations (RSOs) or off-campus entities.

Printed Material

All posted material must be placed on bulletin boards designated for that purpose. Such information may not be placed on motor vehicles, attached to windows, doors, walls or any surface not designated as a bulletin board.

Materials may not exceed 11" by 17."

The name of the individual or organization responsible must be clearly visible on any material posted.

Some facilities may have additional requirements for posting materials:

Carlson Library –

Materials for posting in the library including, but not limited to, posters, fliers, table tents, etc. must be dropped off in the Dean's office in 123 Carlson. Please note a plan for removal of these postings shall be required when dropping off the items.

Chartwells Operated Dining Facilities –
Individuals or groups wishing to post materials (i.e. posters, fliers, table tents, etc.) in Chartwells operated dining facilities (i.e. Carlson Café, Eagle Commons, Gemmell Snack Bar, Starbucks, or Denny's Den) must make arrangements with the facilities' manager.

Gemmell Student Complex –
Materials for positing in the student center must be dropped off at the second-floor Gemmell Information Desk (251 Gemmell).

Residence Halls –
Materials for posting within the residence halls on campus must be dropped off at the Office of Residence Life and Housing (218 Becht Hall) and will be stamped by the Office prior to being posted. A maximum of 68 copies can be posted.

Student Recreation Center –
Materials for posting on Rec Center bulletin boards must be dropped off at the Rec Center front desk.

Chalking –
Chalking is permitted on campus as a means of advertising events. Chalking is permitted only on outside, horizontal, exposed surfaces where rain can wash the chalk away. Chalking is not permitted on vertical surfaces, buildings, under overhangs, or on steps, posts, trees, tables or similar objects. Violations of this policy may result in University conduct action and/or criminal prosecution.

Failure to adhere to this policy may also result in losing the privilege to distribute or post printed materials on campus for a period of time to be specified by the Director of the Office of Residence Life and Housing or the Director of the Department of Student Engagement and Development.

Literature Distribution

Literature distribution must be supervised by a student member of the sponsoring recognized student organization, department, or administrative area. Non-students may not distribute literature on campus without sponsorship by a recognized student organization, department, or administrative area.

Each sponsoring organization will be held responsible for the conduct of the distribution activity, including the behavior of any non-student participant.

On Campus: Calling out to people to facilitate the distribution of literature is not permitted. Absolutely no printed materials may be placed on automobiles parked on Clarion University property.

Off Campus: Posting or distribution of materials at an off-campus location requires permission of the proprietor. All applicable laws and local ordinances apply.

Sales and Solicitation

Canvassing or solicitation for funds, sales, or subscriptions is prohibited on campus or in Clarion University buildings unless written permission has been granted by the Clarion Students' Association (or designee). Additionally, outside and for-profit groups are not allowed to sell items or solicit members of the Clarion University community on campus without prior approval from the Clarion Students' Association (or designee).

Posters, flyers and other event advertisements pertaining to sales and solicitation for funds, sales or subscriptions must be approved by the Clarion Students' Association (or designee) prior to posting or distribution.

The sale of merchandise, or publications or service on Clarion University property, other than by contracted vendors, authorized stores, restaurants, departments or divisions of Clarion University, is likewise prohibited except upon written permission of the Clarion Students' Association (or designee).

POLICY ON SEXUAL MISCONDUCT EQUAL OPPORTUNITY, HARASSMENT, NONDISCRIMINATION

www.clarion.edu/sexualmisconduct

OVERVIEW OF POLICY EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT

• The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity — without actions demonstrating permission — cannot be assumed to show consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn.

• Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

• Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no."

Recognized Student Organizations (RSO) Misconduct

Actions of recognized student organizations (RSOs) in good standing with Student Senate, and groups in the process of becoming recognized are subject to review. Failure to operate in accordance with the information contained in the *Student Code of Conduct*, *Community Standards*, or other policy and procedural documents may result in an organizational disciplinary hearing. Sanctions may range from a documented verbal reprimand to the revocation of University recognition and the privileges associated with such recognition. The administrator of the code may charge the RSO, the individual members involved, or both with a violation.

RSOs are responsible for ensuring that all applicable federal, state, and local laws, as well as University policies, are being upheld and enforced during any and all functions sponsored by the organizations regardless of whether they are held on- or off-campus.

The serving of alcoholic beverages by a RSO to any student which contributes to subsequent conduct by that student that causes the student to be charged under the University Code is prohibited.

RSOs must comply with authorized requests of properly identified University officials.

The University cannot assist with, cooperate in, approve, or otherwise condone any activity which involves the violation of the laws of the commonwealth. Therefore, a RSO which utilizes University facilities and hospitality in the advertisement of such an activity, or which is found to have engaged in such activity, shall be in violation of University policy.

All on-campus functions sponsored by RSOs must be registered in compliance with the policies and procedures of Conference and Events Services.

RSOs are expected to comply with Pennsylvania's Anti-Hazing Law (24 P.S. § 5351 *et seq.*) and the Clarion University Anti-Hazing Policy (see policy in this document).

RSOs wishing to engage in fund-raising activities must complete and receive approval through the fundraising process in CU CONNECT. Permission is limited to RSOs in good standing with Student Senate, and groups in the process of becoming recognized.

Administrative Policies Regarding Fraternities & Sororities

The University expects the operation and activities of general fraternities and sororities to comply with all applicable federal, state and local laws, as well as all University, governing council and inter/national organization policy.

ELIGIBILITY

- Perspective new members must have earned a minimum of 12 credit hours, have a cumulative grade point average of at least 2.5 or meet the organization's specified minimum standard to join, whichever is higher, and have minimum 2.0 GPA the semester before affiliating before they can be offered an invitation to join. Students transferring to Clarion University will be declared eligible provided that they had cumulative grade point average of at least 2.5 and have minimum 2.0 GPA the semester before affiliating at their previous institution and are transferring at least 12 credit hours.
- The Department of Student Engagement & Development (SED) will process Eligibility Verification Forms on a continuous basis and distribute an eligibility list on a regular basis, to be determined at the beginning of each semester.
- No potential new member may be offered an invitation to join or extended a bid until his/her eligibility has been confirmed by the Department of SED.
- Once a bid has been accepted, a signed individual bid acceptance form must be turned into the Department of SED within 24 hours after it has been signed.
- While this policy prohibits general fraternities and sororities from offering invitations of membership to students without a Clarion University GPA and transfer student with less than 12 credit hours, fraternities and sororities are permitted to have contact with such students for the purposes of generating future interest in Greek life.

New Member Education Programs

Each semester, the chapter officer responsible for administering the organization's new member educator is required to meet with a member of the Department of SED staff before the new member education program begins. The officer should bring a detailed, written copy of the program to this meeting. Additionally, chapters should complete the Bid Acceptance Form and submit it to the Department of SED 24-hours after bid acceptance.

Depledges

In the event that a new member depledges at any point in the semester, a depledged form must be turned into the Department of SED. In the event that a Depledge Form is not received, the individual(s) in question will remain on the chapter's grade report for that semester and may be removed from the chapter's roster the following semester.

Initiation

Each chapter is required to submit an Initiation Form to the Department of SED within 48 hours after new members are initiated into the organization.

Communication

In addition to complying with Student Senate's RSO Policy, all chapter presidents, advisors, and Interfraternity Council (IFC) and Panhellenic Council (PHC) delegates must join the IFC or PHC CU CONNECT group. These individuals are responsible for checking the page on a regular basis and ensuring that all information communicated is relayed to their respective chapter.

Rosters

Each chapter is required to keep their roster in CU CONNECT up-to-date, as that is what the University considers to be the "official roster". These rosters will be used for billing IFC/PHC membership dues. Any revisions to the roster should be made in CU CONNECT by 5:00 PM on the Friday of the second week of classes during both fall and spring semesters.

Scholarship Reports

Each semester, the Department of SED will compile scholarship reports for each individual chapter, as well as for the entire Greek community. Preliminary reports for each semester will be distributed no more than 30 business days after the conclusion of each semester. The final report will be generated 30 days after the first day of class the subsequent semester. No adjustments will be made to the official grade report after that time.

- In the event that a new member depledges at any point in the semester, a depledged form must be turned into the Department of SED. In the event that a depledged form is not received, the individual(s) in question will remain on the chapter's grade report for that particular semester.

Social Functions

Fraternities and sororities are required to register all social functions where alcohol is present with Department of SED at least 48 hours prior to the event and include a guest list. For the purpose of this document, a "social function" is defined as a mixer, party, date party, brotherhood/sisterhood event, formal/semiformal, parent event, alumni event or any situation sponsored or endorsed by the chapter at which there is the possession, use and/or consumption of alcoholic beverages regardless of whether it occurs on or off the chapter's premises.

Risk Management Policies

Each chapter is responsible for submitting a copy of their national organization's risk management policy. This information must be submitted to the Assistant Director of Greek Life by the end of the fourth week of classes for each fall semester. Fraternity & Sorority Housing

While Clarion University does not recommend, inspect, or otherwise approve off-campus housing, the University expects the operation and activities of general fraternities and sororities, and their members, to comply with all applicable federal, state and local laws, as well as all University, governing council and inter/national organization policy while on chapter premises, during a fraternity event, in any situation sponsored or endorsed by the chapter, or at any event or residence that an observer would associate with a chapter.

Policy Violations

- In the event that Department of SED becomes aware of alleged violations of this, or any other University policy, the Director of Department of SED will review the alleged violation to determine whether or not the adjudication of the offense should best be handled through a formal or informal hearing. If the violation is deemed serious enough to warrant a formal hearing, the matter will be referred to the Office of Student Conduct & Community Development for review. If it is deemed that an informal hearing is warranted, the matter will be referred to the director of Department of SED for review. These hearings will be conducted in accordance with the Disciplinary Procedures Code outlined in the *Student Code of Conduct*.
- Each chapter is expected to utilize their internal disciplinary process to adjudicate alleged violations of organizational standards/expectations/policies and/or institutional policies by its members and notify the Department of SED of the outcomes of all such hearings.
- In accordance with the *Student Code of Conduct,* decisions resulting from either an informal hearing, or a University Conduct Board, may be appealed to the Office of Student Conduct & Community Development.

Recognized Student Organization (RSO)

Hearing Procedures

University Conduct Board Jurisdiction over RSOs

- Cases involving the alleged violation of any University policy or regulation, misconduct, or disruptive behavior by a RSO, or other groups in the process of becoming recognized.
- Cases may be heard against an RSO if students involved in the alleged offense belong to a particular RSO, or if the planning or leadership of an event where an alleged offense occurred are members of a particular RSO.
- The University Conduct Board shall also hear appeals from student boards of whatever type that have imposed sanctions on a RSO.

Informal Hearings

Cases not involving the revocation of recognition may be heard informally, as specified by University procedures, with notice and the opportunity to be heard afforded to the RSO. The Director of Department of SED, or his/her designee, will discuss the charges with representatives of the RSO and afford the RSO an informal hearing. Should justification be found, or should the alleged misconduct merit consideration of loss of recognition, the matter will be referred for a formal hearing.

Formal Hearings

Such hearings shall be conducted, as warranted, by the Office of Student Conduct & Community Development or the University Conduct Board. The University's rules of procedure for formal hearings shall provide RSOs with the following procedure guarantees:

- reasonable specific advanced written notice of charges containing a description of the alleged acts of misconduct, including time, date, and place of occurrence; and the rules of conduct allegedly violated by the RSO;
- reasonably advanced written notice of the date, time, and place of the hearing, unless such right is waived in writing by the RSO;
- a reasonably sufficient interval between the date of notification of charges and the date of the hearing, to allow the RSO to prepare a defense;
- an opportunity for submission of written, physical, and testimonial evidence, and for reasonable questioning of witnesses by the RSO and the accuser;
- an impartial hearing which may consist of a committee, board, panel, or individual appointed by the University;
- maintenance of a written summary or digital recording of the hearing at University expense, though the RSO may be required to pay the cost of copies of requested records;

- a decision based upon presented evidence sufficient to make a reasonable person believe that a fact sought to be proved is more likely than not;
- a written adjudication in which the facts and reasons for the decision are set forth with reasonable specificity shall be issued within 30 working days after the close of the proceedings. In cases of alleged sexual assault, the accuser shall be informed of the outcome of the hearing; and
- a RSO may identify an advisor, who may be an attorney, to be present at hearings. The advisor may only consult and interact privately with the RSO, unless otherwise determined by the University regarding a particular case. In cases of alleged sexual assault, the reporting party is entitled to have an advisor present at the hearing.

Smoking Policy

Clarion University of Pennsylvania complies with the Pennsylvania Clean Indoor Air Act. The Clean Indoor Air Act (Act 27 of 2008) prohibits smoking in a public place or a workplace. All University facilities are public and, as a result, smoking is prohibited in all University facilities. Smoking at the Hilltop Suites, Suites on Main, and Reinhard Villages is prohibited within 25 feet of any residential building.

In addition, the University treats smokeless tobacco and electronic smoking devices in the same manner in which other tobacco products are treated. As a result, smokeless tobacco and electronic smoking devices are prohibited in all University facilities.

All employees and students share in the cooperative responsibility of compliance with this policy. Students, faculty and staff have the responsibility to advise their visitors or guests of this policy. When conflicts arise, the health of the nonsmoker will prevail. Employees and students who do not comply with this policy will be subject to the same disciplinary actions that accompany noncompliance with other Clarion University rules and/or policies.

The Clery Act

The Student Right to Know and Campus Security Act of 1990 (now known as the Clery Act) is a federal mandate which requires that all current students and employees be provided with information on policies and procedures involving campus security, the reporting of criminal action or other emergencies, and the enforcement authority of security personnel. This information must also include descriptions of programs for students and employees about campus security and crime prevention, as well as statistics on the occurrence of specific crimes. Notification of the annual security report is made by Clarion University's Chief of Police and the full report is posted on the Clarion University website each October.

http://www.clarion.edu/student-life/campus-safety/annual-safety-report/index.html

Hardcopies are available from University Police on request.

Policy on Clarion University-Initiated Medical Leaves

Introduction

The following policies and procedures are to be used to help transition a student to a safer environment more conducive to their needs when it becomes clear that remaining at Clarion University is not in the best interest of the student or Clarion University community. This policy also allows for a student to take a leave voluntarily when medical conditions or psychological distress make a leave in their best interest; its goal is to define the length of separation, outline the path to re-entry and ease the transition for the student's return, and to optimize the opportunities for the student's success when they return. Under certain conditions, if a student has not opted to take a leave voluntarily, Clarion University may institute an involuntary leave under this policy.

A. Student-Initiated Voluntary Leave of Absence

Students may initiate a leave or withdrawal from Clarion University for medical or psychological reasons. At the discretion of the Vice President for Student Affairs (or designee), and subject to the refund policies of the institution, arrangements may be made for partial or complete refund of tuition and/or fees. Incomplete grades or other academic accommodations may be made as well, subject to the academic policies of Clarion University. Modifications to housing contracts may also be possible. The normal Clarion University procedures for leave or withdrawal will be followed, including any documentation requirements. If a student takes a voluntary leave, the leave documentation will specify the duration of the leave and options for extension. The student is permitted to return upon the end of the leave, and expectations for successful return will be outlined in writing to the student at that time.

Students who elect to fully withdraw, rather than take a leave, are required to reapply for admission after the time specified by the Office of Enrollment Management, and will be treated as any other applicant for admission at that time.

B. Clarion University-Initiated Medical Leave

If a student poses a direct threat of harm to others, or causes Clarion University to have a legitimate safety concern of harm to self, the Vice President for Student Affairs (or designee) may initiate proceedings under the *Student Code of Conduct*. Students who engage in threats to others or self-harm behaviors that cause a significant disruption to the community may also be subject to the *Student Code of Conduct.*

a) Standard for Clarion University-Initiated Medical Leave on the Basis of Threat of Harm to Others

This section applies to all medical leaves from housing or from Clarion University for any student who is at significant risk of harm to others. The objective of Clarion University is to determine whether it is more likely than not that a student is a direct threat. When a student is a direct threat, they may be placed on leave until they are no longer a direct threat.

A direct threat exists when a student poses a significant risk to the health or safety of others. A significant risk constitutes a high probability of substantial harm. Significance will be determined by:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The imminence of the potential harm.

Clarion University must determine whether reasonable modifications to policies, practices or procedures will sufficiently mitigate the risk.

Determining that a student is a direct threat requires an objective and individualized assessment and hearing. The assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. This standard also applies to the reinstatement of a student who has been placed on leave. They are entitled to return upon showing they no longer pose a direct threat of harm to others. Clarion University's Behavioral Assessment Referral Team will assist in this determination.

b) Standard for Clarion University-Initiated Medical Leave on the Basis of Self Harm Behaviors

Self-harming behaviors that significantly disrupt normal Clarion University activities will be subject to the *Student Code of Conduct*. Potentially lethal or acute self-harming behaviors, such as suicide attempts, are addressed under this policy as legitimate safety concerns. When Clarion University, using the process outlined below, determines that a student poses a legitimate safety concern of harm to self, the Clarion University-Initiated Medical Leave process can be invoked.

Status of Conduct Proceedings:

If the student has been accused of a violation of the *Student Code of Conduct*, but it appears that the student is not capable of understanding the nature or inappropriateness of the action, this policy may be activated prior to issuance of a determination in the conduct process. Interim

suspension for threat of harm to others or a legitimate safety risk to self will also likely be imposed.

If the student is placed on medical leave from Clarion University, or another action is taken under these provisions following a finding that the student's behavior was the result of a lack of capacity, such action terminates the pending conduct action. If the student is found not to be subject to medical leave, conduct proceedings may be reinstated.

Referral for Assessment or Evaluation

The appropriate official (or Behavioral Assessment and Referral Team) may refer or mandate a student for evaluation by a campus or independent licensed psychiatrist or psychologist (or licensed professional counselor, social worker, licensed clinical social worker, etc.) chosen by Clarion University. Such evaluation may be appropriate if it is believed that the student may meet the criteria set forth in this policy or if a student subject to conduct proceedings provides notification that information concerning a mental health/behavioral condition or disorder will be introduced.

Students referred or mandated for evaluation will be so informed in writing with personal and/or certified delivery, and will be given a copy of these standards and procedures. The evaluation must be completed per the direction of the referral letter, unless the Vice President for Student Affairs (or designee) grants an extension. A student who fails to complete the evaluation in accordance with these standards and procedures, and/or who fails to give permission for the results to be shared with appropriate administrators, will be referred for conduct action for "Failure to Comply" under the *Student Code of Conduct.*

Clarion University-Initiated Medical Leave Hearing Procedures

a. *Administrative Hearing Option*
   The Vice President for Student Affairs (or designee) may invoke informal resolution procedures to determine the need for an involuntary leave without a formal hearing. This process is also known as an *administrative hearing or conference*. In administrative hearings, medical and administrative evidence (e.g. BART assessment) will be introduced, and final determinations will be made by the Vice President for Student Affairs (or designee). If the medical evaluation and/or administrative assessment (e.g. BART assessment) support the need for a leave, the Vice President for Student Affairs will render a written decision within two business days, barring exigent circumstances, stating the rationale for his/her determination. The decision will be delivered to the student directly, electronically, and/or by regular and certified mail. If the determination is made that a leave is warranted, the notification will include information regarding how long the leave may endure, as well as specifying any conditions of reinstatement. If other actions are pending, the appropriate individuals will be notified and may proceed with their actions.

b. *Formal Hearing Option*

The student subject to a Clarion University-initiated medical leave may request a formal hearing in lieu of the administrative hearing described above. If the medical evaluation and/or administrative assessment (e.g. BART assessment) support the need for a leave, a hearing will be scheduled before the Vice President for Student Affairs (or designee), and core members of Clarion University administration. The student will be informed, in writing electronically and through regular and/or certified delivery, of the time, date and place of the hearing. The student will be given at least two business days to independently review the psychological or psychiatric evaluation prior to the hearing. The student will be notified of who is expected to present information at the hearing, and is expected to notify the Vice President for Student Affairs (or designee) of any parties with relevant information whom the Vice President should contact to request their appearance at the hearing as a witness. The student may, at the discretion of the Vice President for Student Affairs (or designee), be assisted by an advisor in the hearing. The student is permitted to have an attorney present to attend/advise, but no advisor will be allowed to speak for or formally represent the student during a medical leave hearing, unless the Vice President grants an exception, such as in cases of incapacity.

The student or the student's advisor may present information about the necessity and appropriateness of medical leave and the student will be given the opportunity to ask questions of others presenting information. The hearing should be conversational and non-adversarial; however, the Vice President for Student Affairs (or designee) will exercise active control over the proceeding, to include deciding who may present information. Formal rules of evidence will not apply. Anyone who disrupts the hearing may be excluded. There will be a single verbatim record, such as a tape recording, for all involuntary leave hearings. The record will be the property of Clarion University and maintained according to Clarion University's record retention policy for such hearings.

A written decision will be rendered by the committee on the basis of a preponderance of evidence within two business days, barring exigent circumstances, and will state the rationale for its determination. The decision will be delivered to the student in writing electronically and through regular and/or certified delivery. If the determination is made that a leave is warranted, the notification will include information regarding how long the leave may endure, as well as specifying any conditions of reinstatement. If other actions are pending, the appropriate individuals will be notified and may proceed with their actions.

c. *Appeals Process*

The determination of the medical leave hearing, administrative or formal, is subject to appeal to the Vice President for Student Affairs in accordance with the following process:

Students subject to Clarion University-initiated medical leave may petition for a review of the determination within three (3) business days of issuance of the hearing committee's written decision. All petitions must be in writing and delivered to the Vice President for Student Affairs (or designee). Reviews will only be considered for one or more of the following purposes:

- To consider new information which was unavailable at the time of the original hearing and could be outcome determinative;

- To assess whether a material deviation from written procedures impacted the fairness or outcome of the hearing;

- To decide if a medical leave is inappropriate to address the nature, duration and/or severity of the risk or threat;

- To determine if the decision does not align with the information provided in the hearing or whether reasonable modifications might mitigate the risk without a leave; or

- To assess whether bias on the part of a hearing committee member deprived the process of impartiality.

Except as required to explain the basis of new information unavailable at the time of a hearing, review of a hearing will be limited to the verbatim record of the initial hearing and/or all supporting documents. The review and appeal decision of the Vice President for Student Affairs (or designee) is final.

C. Readmission Following a Clarion University or Student-Initiated Medical Leave

A student who is seeking reinstatement to Clarion University after Clarion University-initiated medical leave must receive clearance by providing the Vice President for Student Affairs written evidence from a licensed medical or mental health professional that the student is no longer a direct threat to others or a legitimate safety concern, and is otherwise qualified to participate in Clarion University's educational programs. Any other conditions outlined in accordance with this policy and/or any conduct sanctions must also be completed. A hearing or referral to the BART, as outlined above, may be held to determine whether the student is qualified to return.

It is the policy of Clarion University of Pennsylvania that there shall be equal opportunity in all of its educational programs, services, and benefits, and there shall be no discrimination with regard to a student's or prospective student's gender, gender identity, race or color, ethnicity, national origin or ancestry, age, mental or physical disability, religion or creed, genetic information, affectional or sexual orientation, veteran status, or other classifications that are protected under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and other pertinent state and federal laws and regulations. Direct inquiries to the Title IX Coordinator, Clarion University of Pennsylvania, 210 Becht Hall, sfenske@clarion.edu or phone 814-393-2351, or the Director of Social Equity, 210 Carrier Administration Building 16214-1232; Email asalsgiver@clarion.edu or phone 814-393-2109. Inquiries may also be directed to the Director of the Office for Civil Rights, Department of Education, 330 Independence Avenue, SW, Washington, DC 20201.