

# Policies and Procedures

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## HIV/AIDS STATEMENT

Approximately 50 percent of new HIV infections in the United States occur in people under the age of 25. HIV (human immunodeficiency virus) is the virus that causes AIDS (acquired immunodeficiency syndrome). Though the majority of young people are infected sexually, HIV is also transmitted perinatally and by exposure to contaminated blood. Even in the absence of symptoms, an HIV-infected person can infect others. Infection with HIV can weaken the immune system to the point that it has difficulty fighting off opportunistic life-threatening infections.

HIV is now considered to be a chronic manageable disease. If an HIV/AIDS case is reported at Marquette, our response will be based on compassion and concern for the welfare of the infected individual and on protecting the health of the Marquette community. Specifically:

- The university will proceed on a case-by-case basis with the advice of health professionals. Diagnosis and other medical information are confidential;
- Comprehensive, up-to-date HIV prevention education will be provided to students and staff as part of the intellectual, moral and service mission of the university;
- Emotional and/or physical harassment of HIV-positive individuals is not acceptable behavior at Marquette and will be dealt with accordingly

Those with questions about HIV/AIDS should consult their primary care physician, health educators at the Center for Health Education and Promotion, Student Health Service clinical staff, and/or the coordinator of disability services in the Office of Student Educational Services.

## ALCOHOLIC BEVERAGES USE AND CONSUMPTION POLICY

Marquette is committed to establishing a comprehensive program to prevent the unlawful use, possession or distribution of illicit drugs and alcohol. The following information is provided in compliance with the Drug-free Schools and Communities Act.

The alcohol policy of Marquette is based on the central and fundamental educational focus of the university to create an environment that fosters learning. The university believes in personal responsibility, moral growth and development, awareness of communal consequences of personal choices, obligation of citizenship, and responsible decision-making. Therefore, it is critical that Marquette students are committed to the physical and emotional well-being of members of the Marquette community. The university will not tolerate disregard for the law or behaviors and practices that counter the education of the whole person or inhibit rigorous scholarship. Consequently, the university does not condone underage

drinking and considers intoxication, disorderliness or offensive behavior deriving from the use of alcoholic beverages to be unacceptable, regardless of a person's age. The university will work to provide an environment that supports those who choose not to drink as well as those of legal age who choose to use responsibly.

To cultivate a campus environment with the stated goals and purposes of an educational institution, the university has adopted the following policies and procedures regarding alcohol use/misuse:

### State, county, municipal laws and ordinances

Members of the university community are subject to all state, county and municipal laws or ordinances regulating the sale and use of alcoholic beverages, as well as the university regulations pertaining thereto. A person is expected to be responsible for his or her behavior at all time. Conduct that is in violation of the state, county and municipal laws or ordinances or the university regulations relating to the use of alcoholic beverages may involve the individual in student conduct procedures ( page 56) regardless of the action that may be taken by civil authorities. Changes in Wisconsin state law and/or in local ordinances may require changes to this policy.

### Persons of legal drinking age

This policy acknowledges the fact that persons over the age of 21 may purchase and consume alcoholic beverages. Those who fall into this category are responsible for setting a positive example to all minors by discouraging alcohol-related behavior that is abusive to oneself or to others.

For residents who are of legal drinking age, the individual's use of alcoholic beverages is authorized in one's room within the residence halls. See the Policy for Use of Alcoholic Beverages in the Residence Halls (see page, 20).

### Sale or distribution

Alcoholic beverages may not be sold on campus except pursuant to appropriate policies and procedures. Systems for the sale and/or distribution of alcoholic beverages through the use of tickets, vouchers, assessment upon consumption or free distribution must be approved by the director of the Alumni Memorial Union and senior associate dean of student development and must be in accordance with business office procedures, space reservation and fundraising policies.

### Unlawful behavior or misconduct

Intoxication and/or alcohol abuse is not permissible as an excuse for unlawful behavior or misconduct.

### Acute intoxication

Acutely intoxicated students will not be left in the care of other students, including residence hall student staff. Students will be referred to appropriate health care facilities and/or law enforcement.

## Prohibited use and exceptions

The consumption of alcohol outdoors on campus is not permitted. Exceptions may be made for restricted events where all of the parties will be of legal drinking age, upon the prior approval of the director of the Alumni Memorial Union and senior associate dean of student development.

## Violations of the Alcohol Policy

Violations of the university alcohol policy are as follows:

- Being in the presence of alcohol as a person under 21
- Consuming alcohol in the presence of a person under 21
- Collections of containers that contain or previously contained alcohol
- Possession or use of alcohol-related paraphernalia
- Possession of a keg in a residence hall or university-owned apartment
- Possession and/or consumption of alcohol by a person under 21
- Intoxication of a person, regardless of legal drinking age
- Acute intoxication defined by medical assessment
- Misrepresentation of age or possession of false documentation of age
- Purchasing alcohol for or by persons under 21
- Providing or selling alcohol to a person under 21
- Providing alcohol to an intoxicated person

## Student Conduct Process

Students in alleged violation of the policy will be subject to the student conduct process (see page 56). If during the conduct hearing sufficient information is provided for a finding of responsibility, the student conduct administrator will administer a brief alcohol screening. Based on the responses to the screening tool, students may be mandated to complete Brief Alcohol Screening and Intervention for College Students, an alcohol and drug assessment with the substance abuse counselor, or other educational outcome(s). Additional information regarding BASICS can be found at [marquette.edu/dsa/alcohol](http://marquette.edu/dsa/alcohol). BASICS and alcohol assessments are not standalone sanctions, but they supplement additional educational sanctions levied by the student conduct administrator.

## Sanctions for Alcohol Policy Violations

Marquette has established clear and specific sanctions that result from violations of the policy. The sanctions, ranging from warnings and substance abuse awareness programs for minor offenses to dismissal for major and/or multiple offenses are applied consistently and fairly.

The following are possible sanctions that correspond to various levels of severity and may result from a failure to follow the alcohol policy:

- Disposal of alcohol and/or containers
- Confiscation of false identification, alcohol paraphernalia
- Restitution
- University warning
- Alcohol education outcome
- Parental notification
- MPD referral
- Residence Life probation
- University probation
- Residence hall relocation
- Emergency Administrative Action (see page, 61)
- Suspension
- Expulsion

## Non-compliance

Failure to comply with assigned outcomes may result in university probation or extension of university probation.

## Parental Notification

In accordance with federal law, the university may contact your parent/guardian in cases of alcohol policy violations and/or cases in which students are assessed for medical safety and/or transported to the hospital for acute intoxication.

## Residence Halls

See page 20 for the complete policy on use of alcoholic beverages in the residence halls.

## DEATH OF A PARENT/SIBLING OF A STUDENT POLICY

Please notify Campus Ministry immediately in the event of the death of a student's parent or sibling. The director of Campus Ministry will notify others in the university, as appropriate, so assistance can be offered to the student and family. Campus Ministry is also available to offer pastoral care to others in the Marquette community who may have been affected by this death.

## DEMONSTRATIONS POLICY

It is clearly inevitable, and indeed essential, that the spirit of inquiry and challenge that the university seeks to encourage will produce many conflicts of ideas, opinions and proposals for action. The university community recognizes its responsibility to provide effective channels for internal communication, free discussion and rational persuasion as

the normal and preferred means of airing and reconciling such differences. On occasion, recourse to public demonstration and protest may become, for some, a necessary and justified means of supporting their cause or position.

In such cases, the university must seek to ensure a fair and reasonable balance and coordination between two sets of rights that are brought into conflict with one another. The first is the right of the members of the university community freely to pursue their academic and vocational objectives without unreasonable obstruction or hindrance. The second is the right of the members of the university community freely to communicate, by lawful demonstration and protest, the positions that they conscientiously espouse on vital issues of the day.

The university endorses both sets of rights and believes that each can be fully exercised without serious damage to the other.

However, neither set of rights justifies jeopardizing or threatening the safety of persons or property, including serious overcrowding of campus areas; interference with processes or procedures of instruction, research, administration or other activities authorized to be conducted in university facilities or on university property; violation of established closing hours; or obstruction of authorized access to, use of or egress from university facilities. These are regarded as conduct inimical to the policies and objectives of the university community, and such conduct by students may result in disciplinary actions from the university under university student conduct procedures.

Though clearly violent, unlawful or otherwise disruptive activities of identified participants during a given demonstration will subject those persons to university sanction despite any prior warning or admonition to the student, such activities shall not, of themselves or ordinarily in the absence of expressed prior warning, impair the right of other students to participate or continue in lawful demonstration and protest.

Circumstances may, however, combine to produce a situation in which reasonable persons may differ about whether the demonstration — regarded as a whole — infringes, or threatens immediately to infringe, upon the rights of other members of the university community. When in such cases the university person in authority — administrator, faculty or student chairperson — judges that the demonstration has passed proper bounds, she/he shall communicate to the demonstrators insofar as feasible that this is his/her judgment, and she/he shall require that the demonstration be modified on stated conditions or promptly terminated. Failure of any student to observe such a declaration may subject him/her to disciplinary proceedings. The vice president

for student affairs shall ordinarily be the administrator whose judgment shall be determinative in such situations; and, whenever she/he is available and the circumstances otherwise reasonably permit, she/he shall authorize such declaration to be issued where, in his/her judgment, it is appropriate under this policy. Students seeking additional information should contact the dean of students.

## **DRUG POLICY**

Possession, use, distribution and/or sale of narcotics is illegal, and student involvement in such illicit use, possession, distribution or sale of narcotics, amphetamines, barbiturates, marijuana or any other harmful or hallucinogenic drug is prohibited. Student involvement in such matters is of university concern whether it occurs on or off campus and irrespective of any action or inaction by civil authorities. Whenever such student involvement comes to the attention of the university, the circumstances may render the student subject to disciplinary action. Student abuse of prescription drugs is also a matter of university concern.

The full professional resources of the University Counseling Center, Student Health Service and all other student personnel services are available to assist any student to meet problems related to involvement with drugs. The university strongly urges that full advantage be taken of these services.

Specific information regarding prevailing law may be obtained from the Office of the Milwaukee County District Attorney, (414) 278-5183, 821 W. State St.

## **EVACUATION POLICY FOR PEOPLE WITH DISABILITIES**

If any individuals with disabilities are unable to evacuate via normal evacuation routes, they should contact Public Safety or ensure their Residence Hall staff, faculty, and/or employer has contacted Public Safety (414-288-1911). When possible, use emergency phones located in residence halls and university owned apartments. Once Public Safety has been notified, move to the nearest stairwell and wait for Public Safety to arrive. Public Safety and/or the Milwaukee Fire Department personnel will give priority assistance to any person who is unable to evacuate by normal escape routes.

## **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT POLICY**

The Family Educational Rights and Privacy Act of 1974, as amended, is a federal law that controls the confidentiality of, and access to, student education records. The following statement represents Marquette's policy relating to

student education records. (Please note that FERPA may contain additional applicable provisions that are not referenced in this Marquette policy.)

Effective Aug. 15, 1996, the university hereby adopts as its policy with respect to the maintenance, inspection, review and disclosure of student “education records” the following, as far as authorized, permitted or required by FERPA.

## 1. Definitions

For the purposes of this policy, Marquette University has used the following definitions of terms.

**Student** — any person who attends or has attended Marquette University. Student status begins the first day of the first term in which the student is in attendance or registered.

**Education records** — any record (in handwriting, print, tapes, film, electronic or other medium) maintained by the university or an agent of the university that is directly related to a student, except:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual’s employment.
3. Records that are created and maintained by Public Safety for law enforcement purposes.
4. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity and that are used only in connection with the treatment of a student and that are disclosed only to individuals providing that treatment. Note: Immunization records are considered education records.
5. Alumni records that contain information about a student after he or she is no longer in attendance at the university and that do not relate to the person as a student.

**Parent** — includes a natural/adoptive parent of a student, a guardian or an individual acting as a parent in the absence of a parent or a guardian.

**Qualified parent** — is either (1) a parent who has been given written consent by a student for the parent to review the student’s education records or (2) either parent, as long as one has claimed the student as a dependent as defined in section 152 of the Internal Revenue Code of 1954 in the most recently ended tax year.

**Record custodian** — university employee, or designee, who maintains education records.

### School official is:

- A person employed by the university in an administrative, supervisory, academic, research or support staff position.
- A person elected to the Marquette University Board of Trustees.
- A person hired or utilized by the university on a contractual and/or temporary basis to perform a special function (e.g., attorneys, auditors, third-party vendors).
- A person utilized by the university for the purposes of verifying scholarship, honor society or other academic honors and/or selecting recipients for such honors or scholarships.
- A person utilized by the university in a volunteer capacity.

### A school official has a “legitimate educational interest” if the official is:

- Performing a task specified in his/her position description or contract or pursuant to written/oral direction from appropriate supervisory personnel.
- Performing a task related to a student’s education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student, such as health care, counseling, job placement, honor societies and academic honors consideration, or financial aid, including scholarships.

## 2. Notification

Students will be notified of their FERPA rights each term by email and by annual publication of this policy in the student handbook. Additionally, this policy is posted at [marquette.edu/mucentral/registrar/policy\\_index.shtml](http://marquette.edu/mucentral/registrar/policy_index.shtml).

## 3. Procedure to Inspect Education Records

Students may inspect and review their education records upon request to the office of the appropriate record custodian, hereafter referred to as “record custodian.” (see following listing of academic records/education records: type, location, custodians)

- An official Request to Inspect Education Records form must be submitted to the appropriate record custodian(s). Forms may be obtained from any record custodian identified herein.
- The request must specify and identify as closely as possible the desired records.
  1. At the time of the request, the student must provide proper identification (photo I.D.) verifying that he/she is the person whose record is being accessed.
  2. Inspection and review shall be permitted within 45 calendar days from the receipt of the student’s request.
  3. The designated staff person(s) must supervise the review of the contents of the record with the student.

4. Students will be free to make notes concerning the contents but will not be allowed to remove any materials from the records at the time of inspection.

When a record contains information about more than one student, the student may inspect and review only that portion of the record that relates to him/her.

### Academic Records/Education Records

The following is a list of the types of records the university maintains, their locations and their custodians (custodian includes his/her designee).

<i>Types</i>	<i>Location</i>	<i>Custodian</i>
Academic Records/ Advising Records  (progress, advising, evaluations)	Office of the Dean of Each Undergraduate College	Dean of the College
	Office of the Dean of Each Graduate/Professional School	Dean of the School
	Office of the Registrar, Zilber Hall	University Registrar
	Department Office	Chairperson of the department
	Program Offices (EOP, FFP, Honors, etc.)	Director of the Program
Admissions File	Office of Undergraduate Admissions, Zilber Hall	Dean of Undergraduate Admissions
	Office of Admissions of Each Graduate/ Professional School	Director of Admissions of the School
	Office of the Registrar, Zilber Hall	University Registrar
Career Services Records	Career Services Center, Holthusen Hall	Director of the Center
Counseling and Testing Records	Counseling Center, Holthusen Hall	Director of the Center
Cumulative Academic Records (grades, transcripts)	Office of the Registrar, Zilber Hall	University Registrar
Disabled Student Services	Office of Disability Services, Marquette Hall	Coordinator of Disability Services
Disciplinary Records	Office of the Dean of Students, Alumni Memorial Union	Dean of Students
Enrollment Records	Office of the Dean, Graduate/Professional School/Professional Studies/Undergraduate College	Dean of the College/School
	Office of the Registrar, Zilber Hall	University Registrar
Financial Records	Office of the Bursar, Zilber Hall	Bursar

<i>Types</i>	<i>Location</i>	<i>Custodian</i>
Financial Aid Records	Office of Student Financial Aid, Zilber Hall	Director of Student Financial Aid
	Office of the Dean, Graduate/Professional School	Dean of the School
Health Records	Student Health Service, Schroeder Health Complex	Director of Student Health Service
Intercollegiate Athletics	Department of Intercollegiate Athletics, Al McGuire Center	Athletics Director
International Student Records	Office of International Education, Holthusen Hall	Director
	Office of the Dean of Each Graduate/Professional School	Dean of the School
	Office of the Registrar, Zilber Hall	University Registrar
Miscellaneous Records (student education records not included in the above list)	The appropriate university official/employee will locate and collect such records.	The university official/employee who maintains such records

#### 4. Right of the University to Refuse Access

The university reserves the right to refuse access to the following records:

1. Financial statements submitted by the parent(s)/guardian or spouse. Such documents are not considered to be part of the student's education records and can only be accessed with written consent of the parent(s)/guardian or spouse.
2. Letters and statements of recommendation for which the student has waived his/her right of access or that were placed in the file before Jan. 1, 1975.
3. Records connected with an application to attend Marquette University, or a component unit of Marquette University, if that application was denied.
4. Those records that are excluded from the FERPA definition of education records.

#### 5. Refusal to Provide Copies

Although the university will not deny a student access to his/her education records, the university reserves the right to deny a request for copies of education records, including transcripts and diplomas in the following circumstances:

1. If the student has an unpaid financial obligation to the university;
2. If there is an unresolved disciplinary action against the student; or
3. If there is an unresolved academic action against the student.
4. The university will not release transcripts or test scores from other academic institutions or organizations.

#### 6. Fees for Copies of Records

The university does not routinely provide copies. However, if copies are provided, the fee will be 50 cents per page, plus mailing costs.

#### 7. Disclosure of Education Records

Personally identifiable information from the education records of a student will be disclosed by the university with the prior written consent of the student. However, the university may disclose information without the prior written consent of the student in the following circumstances:

1. To school officials with a legitimate educational interest in the records.
2. To officials of another school, at the request of those officials, in which a student seeks or intends to enroll.
3. To certain officials of the U.S. Department of Education, the U.S. Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.
4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. If disclosure is required by certain state laws relating to the juvenile justice system.
6. To organizations conducting certain studies for or on behalf of the university.
7. To accrediting organizations to carry out their functions.
8. To either of two parents when at least one parent has claimed the student as a dependent for income

tax purposes. A certified copy of the parents' most recent federal income tax form may be required to verify dependency.

9. To comply with a valid court order or subpoena or to comply with federal law (e.g., the USA Patriot Act or the Solomon Agreement).
10. To appropriate parties in a health or safety emergency.
11. To a victim of an alleged perpetrator of a crime of violence or a nonforcible sex offense, the final results of a disciplinary proceeding conducted by the university with respect to that alleged crime or offense. The university may disclose the final results of the disciplinary proceeding, regardless of whether it concluded a violation was committed.
12. Directory information so designated by the university.
13. To parents of students under the age of 21 when laws or university policies regarding alcohol or drugs are violated (see page 42, Parental Notification Policy).
14. To a court or administrative agency in the event of legal action between the university and a student.

## 8. Record of Requests for Disclosure

The university will maintain a record of all requests for and/or disclosures of information from a student's education records, other than requests by or disclosures to the student, a school official, a party with written consent of the student or a party presenting a valid court order or subpoena that specifically states that the existence or contents of the order/subpoena not be disclosed or a party seeking only directory information. The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by a qualified parent or by the student.

## 9. Directory Information

Personally identifiable "directory information" from the education records of the student in attendance at the university may be disclosed without the necessity of prior consent of the student concerned as provided by FERPA, subject to the right of the student to inform the university in writing that all "directory information" with respect to him or her shall not be so disclosed. Such notice must be delivered to the Office of the Registrar and will be effective as to such disclosures for the balance of that semester only, except that such a restriction will not apply to material already printed or in the process of being printed. In addition to the above, students have the option to declare whether their address(es), telephone number(s) and Marquette email address are to be made public.

The university has designated as "directory information" each of the following items of information: the student's name(s), address(es), telephone number(s), Marquette email address, photographs, electronic images, date and place of birth, major field(s) of study and current enrollment status, participation in officially recognized activities, dates of attendance, degrees, awards and academic honors received (including names of scholarships), Dean's List selection, previous educational institution(s) attended, and program and promotion materials on participants in various sports and similar public activities, including weights and heights of members of athletic teams.

## 10. Correction of Education Records

Students have the right to request correction of records they believe are inaccurate, misleading or in violation of their privacy rights. The following are procedures for the correction of records:

1. A student must ask the appropriate record custodian to amend a specific record. In so doing, the student must identify the part of the record the student wants changed and specify why the student believes it to be inaccurate, misleading or in violation of the student's privacy rights.
2. After reviewing the request, and within a reasonable time, the record custodian may or may not comply with the request. If the record custodian decides not to comply, the record custodian will notify the student of the decision and advise the student of the right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights.
3. Upon request, the record custodian will arrange for a hearing and will notify the student reasonably in advance of the date, location and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party. The hearing officer may be an official of the university. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may have an adviser present at the hearing. If the student desires to have an adviser present, the student must notify the hearing officer of this fact, in writing, no later than two working days prior to the hearing. Advisers are normally members of the Marquette community (e.g., current full-time students, faculty, staff). This adviser serves as a support person and is intended to be of direct assistance to the student before and during the hearing. The adviser may not speak for the student or address the hearing officer. If the adviser is identified as private

legal counsel, a law student or a Law School faculty member, the hearing officer may reschedule the time and/or date of the hearing so that Marquette University legal counsel may be present.

5. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the hearing officer decides that the contested information is not inaccurate, misleading or in violation of the student's rights, the hearing officer will notify the student that the student has a right to place in the record a statement commenting on the contested information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If Marquette University discloses the contested portion of the record, it will also disclose the statement.
7. If the hearing officer decides that the information is inaccurate, misleading or in violation of the student's rights, the record custodian will amend the record and notify the student, in writing, that the record has been amended.
8. Grades and academic/performance evaluations may be challenged under this procedure only on the basis of the accuracy of their transcription.
9. Marquette reserves the right, in its sole discretion, to revise its procedures regarding the Family Educational Rights and Privacy Act at any time and without notice in light of applicable legal requirements or developments.

## 11. Complaint Procedure

A student or parent, if applicable, may file a written complaint regarding alleged violations under FERPA to the following office:

### **Family Policy Compliance Office:**

U.S. Department of Education  
400 Maryland Ave. SW  
Washington D.C. 20202-5920

## CHECKMARQ GUEST ACCESS

CheckMarq, the student information system, allows guest access so others can view grades, bursar and/or financial aid information, and make payments. With a guest username and password, parents, guardians, spouses, etc. are able to monitor the student's academic progress, financial aid, and/or tuition balances and payments.

Once the student provides guests the ability to view grades, bursar and/or financial aid information, the student can share the account information with as many users as he or she wishes. As a student, you are in control of the roles assigned to your guest and the password associated

with the account.

My Grades access will allow your guest to see your final and midterm grades.

My Bursar Account access will allow your guest to see your current tuition balance. There are also links for your guest to pay tuition via credit card or e-payment.

My Financial Aid Account access will allow your guest to see what aid was offered to you and whether you accepted it.

Additional information about CheckMarq Guest Access can be found at [marquette.edu/its/help/checkmarq/cm.shtml](http://marquette.edu/its/help/checkmarq/cm.shtml).

## GRIEVANCE/COMPLAINT PROCESS

If a student has a complaint of unfair treatment about:

**Academics** — Contact the respective college or school for its academic appeals procedures.

**Non-academics** — Contact the offices of Student Development (288-1412, Alumni Memorial Union, Room 329); Residence Life (288-7208, Carpenter Tower, Room 203); or Student Affairs, (288-7206, Alumni Memorial Union, Room 437).

**Disability status** — Contact the associate director of Student Educational Services, 288-1645, Marquette Hall 05.

**Veteran's status** — Contact Human Resources, 288-7305, David A. Straz, Jr., Tower, Room 185.

**Race, color, sex, sexual orientation, religion, age or national origin** — Contact the Office of Student Affairs, 288-7206, AMU 437, or Affirmative Action, 288-3430, Straz Tower, 185H.

## HARASSMENT POLICY

Marquette University, as a Catholic, Jesuit institution, insists that all human beings possess an inherent dignity and equality because they are made in the image and likeness of God. The university entirely and consistently disowns, as a matter of principle, any unlawful or wrongful discrimination against the rights of others.

As the university is committed to maintaining an environment in which the dignity and worth of each member of its community is respected, it will not tolerate harassment of or by students, faculty, staff and guests or visitors. Such behavior of identified individuals or groups will be subject to appropriate action, including, but not limited to, education, probation, suspension or expulsion from the institution or the campus, and/or civil or criminal action in some instances.

Harassment is defined as verbal, written or physical conduct directed at a person or a group based on color, race, national origin, ethnicity, disability, age, gender or sexual orientation where the offensive behavior is intimidating, hostile or demeaning or could or does result

in mental, emotional or physical discomfort, embarrassment, ridicule or harm.

Harassment includes not only offensive behavior that interferes with a person's or group's well-being or development, but also such behaviors that interfere with one's employment or educational status or performance, or that create a hostile working, academic or social environment. In this regard, sexual violence is deemed to be a form of sexual harassment. It is a violation for a university person — student, faculty, staff, guest or visitor or anyone else acting at the instigation of a university person — to:

1. Engage in any form of harassment whether intentional or unintentional on the campus or in the off-campus area.
2. Retaliate against a person who has initiated an inquiry or complaint having to do with harassment.

### **Racial Harassment**

Racial harassment is defined as verbal, written or physical conduct — either a single incident or a persistent pattern of behavior — directed at a person or a group based on one's color, race, national origin or ethnicity, where the offensive behavior is intimidating, hostile or demeaning or could or does result in mental, emotional or physical discomfort, embarrassment, ridicule or harm.

### **Harassment on the Basis of Sexual Orientation**

Harassment on the basis of sexual orientation is defined as any verbal, written or physical conduct directed at a person or a group based on sexual orientation or perceived sexual orientation where the offensive behavior is intimidating, hostile or demeaning or could or does result in mental, emotional or physical discomfort, embarrassment, ridicule or harm.

### **Sexual Violence**

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

### **Procedures**

Information about harassment is available from the following offices: Student Development, Multicultural Center, Residence Life, Student Affairs, Campus Ministry, Counseling Center, Recreational Sports, Student Health Service, International Education and Public Safety. The Office of Human Resources may be contacted for counseling and assistance relating to affirmative action issues. Anyone with a question or concern about harassment is encouraged to contact one of the above offices for counsel and assistance.

Harassment complaints about a student should be filed with the Office of Student Development. Harassment complaints about an employee (including a student employee) should be filed with the employee's immediate supervisor. If the complaint is with the immediate supervisor, the employee should contact the supervisor's immediate superior. A complaint about a guest or visitor should be called to the attention of the host or the supervisor of the area or event where the concern has arisen.

The right of confidentiality for any party involved in a harassment incident, including the complainant and the charged, will be respected insofar as it does not interfere with the university's obligation to investigate allegations of misconduct and to take corrective action where appropriate.

Any student or employee may also contact the affirmative action officer for counseling and assistance.

### **Sexual Harassment**

Marquette University is committed to maintaining an environment in which the dignity of each member of its community is respected. Sexual harassment by or of either sex is prohibited by state and federal law. It is a violation of the university sexual harassment policy for anyone — faculty, staff, students or other individuals who may be present on Marquette's campus or in any other location for a Marquette-sponsored activity — to engage in any form of sexual harassment or to retaliate in any way against an individual who has initiated a sexual harassment complaint.

The university maintains a zero-tolerance stance toward sexual harassment, which includes sexual violence, and will address and investigate all complaints in a timely, comprehensive and equitable fashion. Violators of this policy will be subject to appropriate corrective and disciplinary action, up to and including separation or termination from the university. Academic and non-academic management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent sexual harassment. All members of the university community, faculty, staff and students are required to promptly report, pursuant to these policies and procedures, conduct that could be in violation of this policy.

Sexual harassment is defined, within the workplace for employees and/or within the academic and/or residential experience for students, as any unwelcome sexual advances, demands, requests for sexual favors, innuendoes or any 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 educational experience;

2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
3. Such conduct is sufficiently severe and pervasive so as to alter the conditions of, or have the purpose or effect of substantially interfering with, an individual's work or academic performance by creating an intimidating, hostile or offensive working or educational environment.

Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom. Bona fide consensual relationships likewise shall not be considered harassment under the intent of this policy.

The university will:

1. Respond to every formal complaint of sexual harassment reported;
2. Take action to provide remedies when sexual harassment is discovered;
3. Impose appropriate sanctions on offenders in a case-by-case manner; and
4. Protect the privacy of all those involved in sexual harassment complaints to the extent it is possible.

See also the Sexual Misconduct Policy and Resources and Student Conduct.

### **Reporting Suspected Sexual Harassment**

Any employee or student with a sexual harassment concern or question, before filing a formal complaint, may contact the Department of Human Resources affirmative action officer for counsel and assistance. A student may also contact the Office of Student Affairs. Any individual, employee or student who believes that he/she may have experienced sexual harassment or who believes that he/she has observed sexual harassment taking place must report this information immediately to one of the following reporting officials:

1. The affirmative action officer
2. The director of human resources and employee benefits
3. The deputy Title IX coordinator or the dean of students
4. The vice provost
5. The Department of Public Safety
6. The complainant's supervisor, when the supervisor is not the accused

Reports/complaints received in any of these offices in which the accused is an employee (faculty, administrator, staff or student employee) must, in turn, be immediately reported to the Department of Human Resources affirmative action

officer. Reports/complaints received by any of these offices in which the accused is a student (other than students accused in their capacity as employees) must, in turn, be immediately reported to the dean of students, who will process such complaints pursuant to the procedures set forth in the university policies and procedures. Reports/complainants in which the accused is neither a Marquette employee nor student (e.g., vendors, visitors, etc.) shall be processed consistent with any other complaint by notifying one of the six reporting officials above, although the university reserves the right to alter or modify the procedures outlined below, in its sole discretion, in order to effectively handle these complaints.

Copies of all sexual harassment complaints shall be forwarded immediately upon receipt by the Department of Human Resources or the Office of Student Affairs to the senior vice president or provost or his/her designee. The director of human resources and employee benefits (in cases where the accused is an administrator, member of the support staff or student employee) or the vice provost (in cases where the accused is a faculty member) shall also be immediately notified by the Department of Human Resources affirmative action officer that a complaint has been received.

For additional information about the investigation and resolution of sexual harassment complaints, please contact the affirmative action officer in the Department of Human Resources or the Office of Student Affairs. The university's complete policy on harassment can be viewed in the Employee Handbook on the Human Resources website.

## **INFORMATION TECHNOLOGY SERVICES POLICIES AND PROCEDURES (Policy on Acceptable Use of Marquette University Computer, Network, Telephone and Other Electronic Resources)**

Marquette provides electronic resources to faculty, students and employees to facilitate their embodiment of the university's mission. The terms and conditions governing use of electronic resources are set forth in the Marquette University Acceptable Use of Electronic Resources Policy. The policy may be found at [marquette.edu/its/policy](http://marquette.edu/its/policy) and is hereby incorporated by reference and made a part of this handbook.

## **OFFICIAL USE OF EMAIL TO COMMUNICATE WITH STUDENTS**

Marquette uses email as one of the official means of communication with students to keep them informed of important information such as financial aid and billing data; college deadlines, events and updates; and important

campus news. Each student is issued an official Emarq email account for use while he or she is enrolled.

Email is an appropriate and preferred method for official communication by Marquette with students unless prohibited by law. The university has the right to send official communication to students by email with the assumption that students will receive, read and, if necessary, act in a timely manner based on the email.

The policy in entirety is at [marquette.edu/its/about/official.shtml](http://marquette.edu/its/about/official.shtml).

## **LOUDSPEAKERS/AMPLIFIED SOUND POLICY**

Use of amplifiers, bullhorns, musical instruments and other mechanisms of communication beyond that of the natural voice are permitted only after 5 p.m. weekdays or on the weekends and only if the sound does not exceed 75 decibels. Student organizations wishing to include amplified sound at an event must have the event registered and approved with the Office of Student Development, AMU, Room 121, at least two weeks before the date of the event. All other groups who wish to use amplified sound should contact the AMU, Room 245, for approval. For student organizations and other groups, an application for a noise variance must be submitted to the associate director of event management, AMU, Room 245, three weeks before the event.

This policy exists to prevent the disruption of the normal conduct of work in academic, service and administration facilities. If conditions warrant, exceptions to the basic policy may be granted by the Office of Student Development in consultation with AMU Event Management.

## **LEGITIMATE STUDENT EXPECTATIONS STATEMENT**

The following statement of legitimate student expectations to which Marquette University regularly aspires was adopted by the Academic Senate at its meeting of March 31, 1976. It was amended in 1991.

1. The university shall publish the general qualifications for establishing and maintaining acceptable academic standing within the university and all degree requirements for particular curricula and major and minor fields of study.
2. The university shall, not later than the time of course registration, identify the regular faculty who are to teach each course offered. In sectioned courses, if a member of the regular faculty identified to teach a section is changed after registration, any student enrolled in that section may change sections if possible.

3. Each faculty person shall, normally not later than the first class period in the course, inform the students enrolled in the course of:
  - a. The course objectives.
  - b. Requirements respecting books and materials, class preparation, attendance and participation, and papers, quizzes, and examinations.
  - c. Methods of evaluating student performance, including specifically the elements considered in assigning grades.
4. The university shall preserve and protect each student's right to question and to challenge data, conclusions and opinions of their respective faculty and fellow students, subject to such reasonable requirements of academic order as may be established by the faculty in charge of their courses.
5. Academic grades shall be based solely on academic performance and, where appropriate, professional performance. Some colleges may include class attendance in courses offered as a measure of academic performance. The university shall maintain procedures for the review of grades alleged to be based on computational inaccuracies or improper grading criteria.
6. The university shall recognize the right of each student to review and discuss his/her academic performance with those who teach his/her courses.
7. Each faculty person shall observe whatever rules have been officially established by the university, or his or her college or program, on academic matters such as the scheduling and administering of examinations. The university and/or the college or program shall see that all such rules are appropriately promulgated to both faculty and students.

## **PARENTAL NOTIFICATION POLICY**

Marquette University has long recognized its special relationship with the parents and families of its students. During the process of selecting a college or university, parents and students have many choices: public, private, religiously affiliated, independent and so on. In selecting Marquette University, parents and students are also opting for the institution's values and expectations, as manifested in academic and behavioral standards.

Marquette understands that parents often play a central role in the continued moral education and development of college students and hopes to work in partnership with parents in this essential enterprise. We also recognize that students have specific rights and expectations in terms of their privacy. In accordance with the Family Educational

Rights and Privacy Act Policy (see full policy in this handbook), the university has established the following guidelines for notifying parents when there is concern for the welfare of a student, including serious or repeated violations of the alcohol and/or drug policies. Additionally, parents may be notified when there is a serious concern for a student's mental or physical well-being, regardless of the involvement of alcohol and/or drugs.

Specifically, the university grants to the vice president for student affairs or a designee the authority to determine when and by what means to notify parents or guardians when students under the age of 21 are found to have committed serious or repeated violations of university policies related to the possession, use or distribution of alcohol or drugs. Consideration in these situations will be given to the following conditions: the violation involved harm or threat of harm to self, others or property; the violation involved an arrest in which the student was taken into custody; the violation resulted in or could result in the student being suspended from the university and/or removed from the residence halls; the student has shown a pattern of violations; the student who committed the violation became physically ill and/or required medical intervention as a result of consumption of alcohol and/or drugs.

## **PSYCHOLOGICAL OR PHYSICAL EVALUATION OF HEALTH; WITHDRAWAL FOR PSYCHOLOGICAL OR MEDICAL REASONS**

The intent of this policy is to be helpful to the student who cannot function effectively in the university community without posing a risk to him/herself or infringing on the rights of others. This policy also provides mechanisms by which a student may continue toward the completion of his/her academic goals, if not immediately, then in the future.

There are occasional circumstances in which a student's psychological or physical condition must be addressed by the university. The student generally will be referred for a medical and/or psychiatric assessment and recommendation regarding the student's ability to remain in school. The results of that assessment, when released to university officials with the student's permission, will be reviewed to assist in determining if and how the student will return to classes and to his/her place of residence, if such residence is university-owned.

The student may be allowed to return if he or she agrees to take the recommended therapeutic steps. If the student refuses to take such steps, or if the disruptive, dangerous, or otherwise unacceptable behavior continues, the university may take action to withdraw the student from

classes. For instance, such action could occur, if in the judgment of the university, the condition was such that the student could not reasonably be accommodated in the academic program; or if the student was threatening to self and/or others; or was seriously disruptive to others or to the university community.

In such circumstances, the parents of the student and appropriate university officials with a need to know, including academic deans, may be notified because of the potentially serious nature of the situation. Questions regarding this policy may be addressed to the assistant vice president for student affairs, director of the Counseling Center or director of Student Health Service.

## **QUESTIONNAIRE/SURVEY PROCEDURE**

The collection of information from students on campus by the use of questionnaires, surveys and other collection techniques must have the prior written approval of a professor if conducted in connection with an academic program or the prior written approval of the senior associate dean of students if student-initiated. Normally, student-initiated questionnaires/surveys are conducted by a recognized student organization and related to the purpose of that group. When specific student groups (e.g., residence hall groups) are the focus of such surveys, whether academically or non-academically sponsored, the concurrent approval of the pertinent director or adviser is needed to avoid over-sampling such groups during any given time frame. In addition to these expectations, the university has a policy on conducting online surveys or using email to solicit survey participation at [marquette.edu/onlinesurveys](http://marquette.edu/onlinesurveys). Student groups or individuals planning to distribute a questionnaire or survey should contact the Office of Student Development, AMU, Room 121, for additional information.

## **RELIGIOUS ACTIVITIES POLICY**

Marquette University, as a Catholic university in the Jesuit educational tradition, is committed to supporting the personal faith life of its members beginning with those in the Roman Catholic tradition. At the same time, the university welcomes in its midst students of varying religious backgrounds and persuasions, respects the individual religious commitments of those students, and in no case actively attempts to proselytize them through its programs or sponsored activities.

Similarly, the university does not allow any other individual or organization to actively proselytize its members using facilities, programs or activities controlled by the university. That is, no individual or organization can coerce or pressure others or misrepresent themselves. This policy is not meant to discourage or inhibit the sharing

and discussion of religious values or beliefs between members of the university community in the variety of contexts the educational community provides.

No individual or organization, either internal or external to the university, may hold activities on campus the specific purpose of which is to proselytize, that is to make converts of members of the university community to another church or religious affiliation. Someone invited to a religious event should know in advance which group sponsors it and the nature of the event. There should be no pressure, direct or indirect, to engage in scripture study, worship, discussion or faith sharing. Furthermore, if people decide to leave the group or its activities, they must be free to do so without harassment or pressure to stay. Similarly, the university reserves the right to limit or restrict the on-campus activity or any organization or individual whose purposes are directly contrary to the university's stated religious values and purposes.

Diverse religious groups are welcome and supported at Marquette, and groups are free to express their faiths in word and action, including what is commonly called (in Christian terms) "evangelizing" or "spreading the Gospel." That is, they may express their beliefs in what God asks of people, as well as what God offers them. Representatives of various religious affiliations may, with the approval of the director of Campus Ministry, provide appropriate religious services for their own members and others who wish to participate in them. In addition, religious groups have the right to meet and advertise in accordance with normal procedures for reserving space and for having material approved for posting. Students who are members of specific or general religious affiliations may, and in fact are encouraged to, form recognized student organizations for the purpose of supporting their own religious beliefs and practices. Such groups and their activities must be approved by the director of Campus Ministry in addition to the regular requirements for student organizations as defined in this handbook. Organizations should note that Campus Ministry is charged with identifying and meeting the pastoral needs of all Marquette students, whether as members of the general population, particular academic programs or communities, as well as on an individual basis. The scope and purview of student organizations is inherently different; they do not operate as campus ministries.

The director of Campus Ministry or his/her designee will review each spiritual or religious student organization following each academic year. This evaluation will focus on the organization's programs and activities, active membership, and adherence to their constitution and university policies. Student organizations that have

violated university policies or have failed to function as student organizations may lose their recognition.

For more information about this policy, contact Campus Ministry or the Office of Student Development.

## **UNIVERSITY SPACE AND ROOM RESERVATION PROCEDURE**

Space and room reservations for on-campus facilities will be accepted from recognized and approved student organizations up to one year in advance pending event registration approval. Current reservation policies and room rental rates are available. For more information, please contact Events Management at 288-7202 or visit our website.

## **SALES, PRIVATE BUSINESS POLICY**

No forms of selling or of private business are permitted on campus without specific prior authorization in writing by appropriate university officials. Requests are to be submitted to the AMU Event Management Office, (414) 288-7202, for referral to the appropriate administrative authorities of the university.

## **MARQUETTE UNIVERSITY SEXUAL MISCONDUCT POLICY AND RESOURCES**

Marquette University strives to provide an educational environment which reflects its Catholic, Jesuit mission and heritage and which preserves the safety and dignity of each member of its community. The university prohibits all forms of sexual violence, coercion, intimidation and harassment. The university does not permit any form of sexual misconduct, including, but not limited to, sexual assault and interpersonal violence. This policy has dual purposes. It serves as a measure for the university to determine, after the fact, if behaviors trespass on community values. It also should serve to prevent sexual misconduct by providing a guide to the university's expectations relative to sexual responsibility and sexual respect within the Marquette community.

When an allegation of sexual misconduct is reported to the university and a violation of this policy is found, the university will take prompt corrective action and impose appropriate sanctions so that the learning and employment opportunities of students, faculty and employees are not further affected by sexual misconduct. The university complies with federal, state and local laws, including the reporting of all crimes to law enforcement authorities.

Marquette University further recognizes the importance of responding to victims of sexual assault by providing access to services and resources in the areas of advocacy, medical care, legal/conduct concerns and

counseling/emotional support. Care for and consideration of the victim's wishes and needs will be used to guide Marquette's response throughout the process.

The Marquette University Code of Student Conduct prohibits all forms of sexual violence, coercion or harassment against individuals, whether perpetrated by a stranger or acquaintance, whether occurring on or off campus and whether directed against a member of the Marquette University community or someone outside the university community. Prohibited conduct ranges from acts clearly identifiable as sexual assault to sexual misconduct that includes such acts as stalking, voyeurism, exposure, sexually harassing communication and sexual activity in a context of emotional coercion. Where there is reasonable cause to believe that a student member of the university community has violated the Marquette University Code of Student Conduct, the university will take action in accordance with the policies and procedures outlined in the Student Handbook. University conduct action may be taken whether or not criminal charges are filed and without regard to whether the conduct occurred on or off the Marquette University campus.

Any member of the university community found responsible for violating the sexual misconduct policy is subject to conduct action up to and including dismissal from Marquette University. The standard used to determine accountability is a preponderance of the evidence, in other words, whether it is "more likely than not" that the respondent has violated the policy.

## IDENTIFYING SEXUAL MISCONDUCT

Sexual misconduct offenses prohibited by this policy include, but are not limited to, the following:

1. Non-consensual Sexual Intercourse (or attempts to commit)
2. Non-consensual Sexual Contact (or attempts to commit)
3. Sexual Exploitation
4. Sexual Harassment

## KEY CONCEPTS AND DEFINITIONS CENTRAL TO ALL FORMS OF SEXUAL MISCONDUCT

Marquette University does not presume a student is in violation of university policy. A conduct hearing will be held to take into account the totality of information available, from all relevant sources. The university will determine whether the Student Conduct Code has been violated.

### COMPLAINANT

Complainant refers to the individual who reported the incident of alleged sexual misconduct.

### RESPONDENT

Respondent refers to the student who allegedly violated the sexual misconduct policy and/or has been charged with a violation of the policy.

### CONSENT

A central concept to understanding the offenses that constitute sexual misconduct under this policy is consent. Consent is the equal approval, given freely, willingly and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision — indicated clearly by words or actions — to engage in mutually accepted sexual contact. A person compelled to engage in sexual contact by force, threat of force or coercion has not consented to contact. Lack of mutual consent is the crucial factor in any sexual assault. Consent CANNOT be given if a person's ability to resist or consent is impaired because of a mental or physical condition or if there is incapacitation due to drugs or alcohol or if there is a significant age or perceived power differential. Providing alcohol or drugs to facilitate sexual activity is a violation of this policy. Use of alcohol or other drugs will never function to excuse behavior that violates this policy.

A person may not consent if s/he is:

- unconscious,
- frightened,
- physically or psychologically pressured or forced,
- intimidated,
- impaired because of a psychological condition
- intoxicated by use of drugs or alcohol

Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Similarly, previous relationships or consent does not imply consent to future sexual activity.

The requirements of this policy apply regardless of the sexual orientation of individuals engaging in sexual activity.

Sexual misconduct includes, but is not limited to, conduct prohibited at Wisconsin Statutes. 940.225

(See: [legis.wisconsin.gov/lrb/pubs/ib/01ib1.pdf](http://legis.wisconsin.gov/lrb/pubs/ib/01ib1.pdf))

### 1. NON-CONSENSUAL SEXUAL INTERCOURSE

The State of Wisconsin Statutes referenced above provide a comprehensive list of the behaviors that are considered non-consensual sexual intercourse.

### 2. NON-CONSENSUAL SEXUAL CONTACT

The State of Wisconsin Statutes referenced above provide a comprehensive list of the behaviors that are considered non-consensual sexual contact.

### 3. SEXUAL EXPLOITATION

Sexual exploitation as defined by this policy occurs when an individual takes non-consensual or abusive sexual advantage of another individual for his/her own advantage or benefit or to benefit or advantage anyone other than the person being exploited. Examples of sexual exploitation may include, but are not limited to:

- prostituting another individual;
- recording, displaying or distributing in any way photos, video or audio of a person engaged in sexually explicit conduct without the consent of that individual;
- engaging in "Peeping Tommerly, or viewing other persons engaged in intimate behavior without their consent;
- knowingly transmitting a sexually transmitted disease.

### 4. SEXUAL HARASSMENT

The policy on Sexual Harassment for all members of the Marquette University community can be found at [marquette.edu/osl/policies/harassment.shtml](http://marquette.edu/osl/policies/harassment.shtml) or elsewhere in the Student Handbook.

### PROCEDURES FOR HANDLING REPORTS OF SEXUAL MISCONDUCT

All students are encouraged to report violations of this policy to the university. A student who believes s/he or any student is a victim of sexual misconduct is encouraged to promptly report the incident to the Department of Public Safety, residence hall staff, the Office of Student Development or Student Health Service. Students may also consider a direct report to the Milwaukee Police Department or contacting the Aurora Sinai Medical Center's Sexual Assault Treatment Center.

If a complainant requests a change in academic or living arrangements, options will be discussed and all reasonable efforts will be made to accommodate the request.

The complainant will be informed of the various support services available through the university, including counseling and medical assistance. In instances of non-consensual intercourse or contact (e.g., sexual assault, rape), a Student Health Service advocate may be called. Advocates provide free, confidential support and information about medical options and procedures, including evidence collection, and assistance with reporting and referrals. The student can choose to use or refuse advocacy services.

Marquette University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect individuals' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements and interim suspension from campus pending a hearing.

All complaints are taken seriously and a student making a good faith complaint of sexual misconduct, including third parties, will not suffer retaliation or be subject to conduct action by the university. For example, a student bringing forth a good faith complaint of sexual misconduct where alcohol is involved will not be charged with an alcohol violation. Complaints of sexual misconduct will be treated in confidence to the extent feasible, given the need to conduct a thorough investigation and take corrective action, in compliance with state statutes. Hearings will be in accord with the student conduct procedures (see: [marquette.edu/osd/policies/conduct/hearing\\_procedures.shtml](http://marquette.edu/osd/policies/conduct/hearing_procedures.shtml)).

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the university reserves the right to impose differing sanctions, ranging from written warning to suspension or expulsion, depending on the severity of the offense. The university will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

### RIGHTS OF STUDENTS

Students can anticipate that:

1. Complainants and respondents will be treated with dignity and respect and in a non-judgmental manner. Reports will be addressed as promptly and completely as feasible.
2. All students are encouraged to promptly report all violations of this policy. All reports of sexual misconduct will be treated seriously regardless of the nature of the incident and the identity of the students involved.
3. Campus and community organizations and services that can assist students will be identified.
4. A university Stay Away Directive will be filed, to ensure that the parties in the matter are not in contact with one another.
5. Complainants and respondents will be afforded the opportunity to request immediate on-campus housing relocation, transfer of classes or other steps to prevent unnecessary or unwanted contact or proximity to an alleged assailant when reasonably available.
6. All students have the right to an environment free from sexual or physical intimidation, or any continuing disruptive behavior, by persons sharing rooms or their guests, that would prevent a reasonable person from attaining his/her educational goals. Disruptive behavior of this nature should be reported to appropriate university staff, so it can be addressed.
7. Students (both complainants and respondents) may invite an adviser of their choice to accompany them through university conduct proceedings. See the

Marquette Student Conduct Code regarding the specific role of advisers throughout this process.

8. Students are entitled to know all evidence and testimony being utilized in decision making.
9. The sexual history of the complainant is not relevant to the truth of the allegation; therefore, information regarding the complainant's sexual history other than the relationship between the complainant and the respondent will not be considered in conduct hearings.
10. Complainants and respondents will be notified in writing of the outcome of related university conduct proceedings. The complainant and the respondent must respect the privacy of all involved. Both the complainant and respondent will be informed of his/her respective right to appeal the conduct decision. Requests for appeals must be submitted in writing to the Office of Student Development within five business days from the date of the letter notifying the respondent of the original decision. Failure to appeal within the allotted time will render the original decision final and conclusive. The imposition of sanctions will normally be deferred during the pendency of appellate proceedings, at the discretion of the dean of students.

## RESOURCES

If you believe that you or another student has been a victim of sexual misconduct, the following resources are also available:

- Emergency (MPD/MFD): 911
- Emergency (DPS): (414) 288-1911
- Campus Ministry: (414) 288-6873
- Counseling Center: (414) 288-7172
- Dean of students: (414) 288-1412
- Department of Public Safety: (414) 288-6800
- Sexual Assault Treatment Center: (414) 219-5555
- Student Health Service: (414) 288-7184
  - o Advocate available: (414) 288-5244

Additionally, Student Health Service and the Counseling Center, periodically and upon request, offer educational programs to promote awareness of sexual misconduct.

## STUDENT CONDUCT CODE AND PROCEDURES

Marquette University is committed to respecting the rights of all who are associated with it and to encourage each member of the Marquette community to be responsible as

a citizen. However, a student or a recognized student group may be subject to disciplinary action, if it is established that the individual or the group was involved in acts or deeds that (1) prohibit the exercise of, interfere with or in any way restrict the rights and privileges of others; (2) violate university policy; (3) create a danger or threat of danger to other persons within the university community or interfere with the normal functions and operations of the university; (4) violate existing intercollegiate athletic conference or NCAA rules and regulations as they pertain to the operation of the Marquette Division I athletic program; and/or (5) violate existing federal, state, county and municipal laws or ordinances.

The specific student conduct procedures are contained in this handbook on page 56. Students seeking additional information should contact the Office of the Dean of Students at (414) 288-1412.

## POLICIES AND PROCEDURES FOR STUDENT ORGANIZATIONS

All student organization activities are guided by the policies and procedures delineated in the student organization handbook, published by the Office of Student Development. These policies grow out of the Marquette University Mission Statement and Ethos Statement. Marquette encourages the formation of ethical and informed leaders and the development of women and men dedicated to the service of others. Achieving these goals is dependent upon creating a campus environment in which people feel safe, sustained, engaged, challenged and appreciated.

### Formation of an Officially Recognized Student Organization

Student organizations can be formed and recognized when the Office of Student Development determines that the group's purposes are in accordance with the stated purposes and policies of the university. A group of students wishing to form an organization must go to the Office of Student Development in AMU, Room 121 to:

- Complete a Request to Organize form including a list of at least five interested members;
- Receive preliminary approval from the Office of Student Development (allows forming organization to hold three organizational meetings);
- Develop and submit a constitution according to the guidelines in the Model Constitution, available in AMU, Room 121;
- If applicable, submit letters of support from the appropriate department individual or council (e.g. Greek organizations, spiritual organizations, club sports);

- Obtain approval from the Office of Student Development and the Student Senate of MUSG; and
- Meet with an Office of Student Development staff member to review organization policies and procedures.

For organizations that have graduate students as regular members and/or officers, these procedures are the same, with the exception that approval of Marquette University Student Government is not required. The formation, recognition and supervision of student organizations affiliated with the Law School or Dental School are conducted by student services staff within those schools and not through the procedures outlined above.

Only officially recognized and currently registered student organizations are authorized to use university facilities or services or permitted to identify themselves directly or indirectly with the university's name or credit. Note that this regulation is not intended as a restriction upon the right of students to organize, but it is necessary in order to protect the proprietary name, credit and facilities of the university.

In some instances, the Office of Student Development may deem it necessary to review an organization's recognized status, operations and procedures. Under such conditions, Student Development reserves the right to remove an organization's recognized status with the university.

### Eligibility for Membership in Student Organizations

1. All full-time undergraduate students are eligible for membership in any undergraduate student organization in accordance with the standards, academic or otherwise, established by each organization. Any student organization that selects its membership or officers upon the basis of restrictive clauses dealing with race, color, gender, sexual orientation, age, national origin, religion, disability or veteran status will be considered to be operating in conflict with university policy.
2. Any part-time student, graduate student, professional student, faculty member or administrator may be an associate member of any undergraduate student organization but may not hold office or vote. Graduate students may only be regular members, hold office or vote in graduate student organizations.
3. The officers of all student organizations and elected and appointed senators and officials of MUSG must be in good standing (not on academic or disciplinary probation) at the time of their election or appointment and throughout their terms of office. The Office of Student Development will check the status of each student who runs for an MUSG office or is appointed to a position within MUSG.

4. No student shall simultaneously hold more than one of the following positions:
  - a. President, executive vice president, program vice president, legislative vice president, financial vice president or communications vice president of the Marquette University Student Government.
  - b. MUSG senator
  - c. College or governing council president
  - d. No student may serve simultaneously on more than two college councils.
5. The authority and responsibility for checking grade point averages for club and organization officers (president, vice president, treasurer, secretary, social chairperson, etc.) shall reside with the officers of that organization. In instances of dispute, the decision-making authority and responsibility rests with the Office of Student Development.
6. Marquette University has a deferred joining policy for students interested in social Greek organizations. To be eligible to participate in recruitment events or to receive a bid or invitation to join a social Greek organization, a student must:
  - Be enrolled as a full-time undergraduate student
  - Have at least a 2.0 cumulative grade point average (some chapters and/or councils may have higher minimum GPA requirements)
  - Have a minimum of 12 credit hours at Marquette University or have transferred to Marquette University with a minimum of 12 credit hours from another college or university
  - Be in good disciplinary standing with the university (i.e., not on university probation)

Students who fail to meet these criteria are not eligible to receive a bid or invitation to join a fraternity or sorority chapter. However, they are allowed to have normal social contact with any member of a Greek organization, including but not limited to: studying, eating meals together, participating in athletic activities, etc.

**Reporting** — Anyone wishing to file a report concerning violations of this policy may do so through the Office of Student Development, AMU, Room 121.

### Policies and Procedures for the Distribution of Literature, the Sponsorship of Visiting Speakers and Public Performances, and the Screening of Films

As indicated in the university mission statement, Marquette is committed to the unfettered pursuit of truth under the mutually illuminating power of human intelligence and Christian faith. In this context, the university encourages its student organizations to contribute to the role of the

university as a forum for intellectual discussion, debate, investigation and/or artistic expression.

Student organization requests for the distribution of literature, the sponsorship of visiting speakers and public performers, and the screening of films will be considered in light of the educational purposes and the Catholic identity of Marquette University. Specific attention, therefore, will be paid to the context and purpose of the proposed material.

The university has final discretion in decisions regarding the distribution of literature, the sponsorship of visiting speakers and public performances, and the screening of films. In keeping with the intellectual imperative of the university and the instructive value of dialogue, educational or artistic merit and a balanced perspective will be the normative bases for decisions. The use of the university as a forum, however, in no way implies university approval or endorsement of the views expressed by material distributed, by a speaker, in a public performance or in a film. In those cases where a program, film or printed material is considered to be opposed to the mission of the university, there may be a requirement for the presentation of multiple points of view.

#### **Distribution of Non-academic Literature**

The university provides for the distribution of literature by student organizations. The following guidelines apply:

1. Only members of registered student organizations may distribute literature.
2. Only literature deemed appropriate by the student organization and the university may be distributed.
3. The literature shall clearly identify the student organization responsible for the literature.
4. The material must state that the views presented in the literature are not necessarily those of the university.
5. In order to gain approval, the following information must be provided to the Office of Student Development (AMU, Room 121), not fewer than five working days in advance of the planned distribution:
  - a. Copy of the material(s) to be distributed
  - b. Proposed facilities to be used for distribution
  - c. The time(s) and date(s) of distribution
  - d. The manner of distribution

After authorization, one copy of the material(s) will be retained for the file in the Office of Student Development. Once material is approved for distribution, a stamp of approval must be placed on all materials for distribution.

#### **Speakers, Films, Concerts and Other Public Performances**

Visiting speakers, films, video, concerts, comedians and other publicized events must be registered and approved by the Office of Student Development in the AMU, Room 121, by filling out an event registration form at least two weeks before the date requested for the event. When hosting a speaker on campus, student organizations must provide a biography/resume of the performer and a written description of the content/purpose of the performance. All films require a catalog summary that includes the company name through which the film is being obtained. Federal copyright laws restrict the use of videocassettes/DVDs to private showings and prohibit their public performance without prior written consent of the holder of copyright.

Event registration forms are available in the Office of Student Development, AMU, Room 121; the Center for Leadership, Service and Involvement., AMU, Room 137; and the AMU Event Management Office, AMU, Room 245.

All approved student organization events must be congruent with the policies, objectives and mission of the university. Requests will be reviewed under the following considerations:

- Events must not cause a disruption to the regular operations and activities of the university. Members of the university community must be free to pursue their academic and vocational objectives without unreasonable obstruction or hindrance. Events must not interfere with the processes or activities authorized to be conducted in university facilities or on university property.
- Events must not jeopardize or threaten the safety of persons or property, including serious overcrowding of campus areas.
- Events must not violate established closing hours or cause the obstruction of, authorized access to, use of or egress from university facilities

#### **Sponsorship of Non-university Political Activities**

In addition to policies and procedures for Sponsorship of Visiting Speakers and Public Performances and for Distribution of Literature, guidelines have been created to regulate the presentation of political candidates and campaigns, as well as elected or appointed government officials. The goal is to allow for sponsorship of these speakers and activities by a recognized student organization while protecting the interests of the sponsoring group and the university.

All approved events must be congruent with the policies, objectives and mission of the university. It is expected that events will be registered and approved using the

regular timeline and Event Registration Form in place for all student organization events. In an election season, circumstances may arise where an organization learns of the availability of a political candidate or speaker less than two weeks before an event. Exceptions to this timeline to allow for requesting sponsorship of a political candidate or speaker with less than 24 hours' notice will generally not be approved. The university has final discretion in decisions regarding the sponsorship of political candidates, speakers or activities, and these decisions are made by the Office of Student Development in consultation with the Office of Public Affairs, Alumni Memorial Union and other officials as appropriate.

For additional information about policies for student organizations interested in sponsoring non-university political activities, see the Student Organization Handbook or contact the Office of Student Development, AMU 121, 288-7205.

## **STUDENT-RIGHT-TO-KNOW STATEMENT**

In compliance with the Student-Right-To-Know Act of the U. S. Department of Education, please be advised that the completion or graduation rate under Section 103 of the Act for degree-seeking, full-time freshman entering Marquette University in the Fall 2004 is 81.0 percent.