

Policy Statements 2011-2012

for Students, Faculty and Staff
of Frostburg State University

CODE OF STUDENT CONDUCT

HAZING

SUBSTANCE ABUSE

SEXUAL ASSAULT

SEXUAL HARASSMENT

HEALTH & LIFE SAFETY

CAMPUS SECURITY

MISSING PERSONS NOTIFICATION

sponsored by the Division of Student & Educational Services



FROSTBURG
STATE UNIVERSITY



Introduction

This booklet has been prepared by the staff to inform you of important policies about sexual assault, substance abuse, campus security, and the University Standards of Personal and Group Conduct, which includes the Code of Student Conduct

We hope you will review this document and keep it as a resource. The information in this document takes precedence over other materials which may be published in other documents elsewhere.

We express our sincere thanks and appreciation to all persons and agencies which contributed to this document.

*Division of Student and Educational Services
Fall 2011*

Institutional Policy on Student Behavior

Frostburg State University is a community. For the University to meet its educational goals, we must be a disciplined community. Such a community offers an environment that allows individuals to develop their full potential. To that end, the University has created a set of standards regarding personal conduct within this community. Personal responsibility and respect for others are the key values underlying these standards.

Teaching students to accept responsibility for their behavior and to respect the rights of others is a high priority for our university community. The community benefits from this learning through the improvement of the learning environment. Students become more productive when they have adopted these values. One of our responsibilities is to challenge behavior that violates the rights of others or which violate the laws of the larger society.

By holding each student to a high standard of behavior, we both protect the campus community and promote the moral and ethical development of students. In doing so, we also have an obligation to regard each student as an individual, deserving individual attention, consideration and respect. There are times when the University must exercise its responsibility to the community by suspending or expelling a student who has violated the University Standards of Personal and Group Conduct. Behavior which is prohibited by these standards is outlined below. These standards arise from the key values of personal responsibility and respect for others. By presenting these to you, we hope to begin a process which will lead to your support of the guidelines and the values upon which they are based.

We believe that the educational focus of our institution will be served best by a serious commitment to helping students develop responsible personal attitudes and behavior. We feel it is our responsibility to establish behavioral guidelines which are stated clearly and to define the consequences for those acts outside these guidelines. We intend to fulfill this goal by making these guidelines and consequences well known to all members of our community. It is our hope that the response to these expectations will be a positive one which enables our community to better achieve its educational mission and to affirm the wholeness of that mission, inside and outside of the classroom.

Interpretation of Regulations

Student conduct regulations at the University are set forth in writing in order to give students general notice of prohibited conduct. The regulations should be read broadly and are not designed to define misconduct in exhaustive terms.

Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community through enforcement of the Code of Student Conduct both on and off the University premises.

Search and Seizure

Frostburg State University has the authority to conduct a reasonable search of university property, including but not limited to residence hall rooms. A student's residence hall room, personal possessions or other university property will be searched by university officials only (1) when there is reasonable cause to believe that illegal or other detrimental use is being

made of the property in violation of university policy and (2) under authorization given in writing by an administrator designated by the President. The authorization shall specify the reasons for the search and the objects or information sought. If possible, the student shall be present during the search. The right of reasonable search is based on the responsibility of the University to provide for the safety, health and welfare of the university community. Material or information found through inspection may lead to action through the University Code of Student Conduct System and/or by the proper law enforcement agency.

Administrative search authorization is not required in emergencies, when the student concerned consents to the search, where the search is incident to a lawful arrest by a police officer, where the search is pursuant to a warrant by a law enforcement agency, or when a student's health or safety is in jeopardy.

Standards of Due Process

The focus of inquiry in student conduct proceedings shall be to determine whether or not the referred student has violated the University Standards of Personal and Group Conduct. Formal rules of evidence shall not be applicable, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student or the University may result.

Violations of Law and Student Conduct Regulations

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

University Standards of Personal and Group Conduct

The following forms of conduct are prohibited by Frostburg State University and are subject to student conduct proceedings. Attempts to commit acts prohibited by this Code shall be addressed to the same extent as completed violations. Disciplinary outcomes for off-campus misconduct shall not be more severe than for similar on-campus misconduct. Student conduct action may be taken in addition to actions which may be taken by civil or criminal courts.

1. Academic Dishonesty

Academic dishonesty is defined to include any form of cheating and/or plagiarism. Cheating includes, but is not limited to, such acts as stealing or altering testing instruments; falsifying the identity of persons for any academic purpose; offering, giving or receiving unauthorized assistance on an examination, quiz or other written or oral material in a course; or falsifying information on any type of academic record. Plagiarism is the presentation of written or oral material in a manner which conceals the true source of documentary material; or the presentation of materials which uses hypotheses, conclusions, evidence, data, or the like, in a way that the student appears to have done work which he/she did not, in fact, do. In cases involving academic dishonesty, a failing grade

or a grade of zero (0) for either an assignment and/or a course may be administered. Students who are expelled or suspended for reasons of academic dishonesty are not admissible to other institutions within the University System of Maryland. Suspension or expulsion for academic dishonesty is noted on a student's academic transcript.

2. Computer Misuse and Dishonesty

The University considers any misuse of its computer system to be a serious offense. A student may not attempt to degrade the performance of the computer system, to seek to penetrate its security, or in any way deprive other users of resources or access to the computer. Further violations include, but are not limited to,

- (a) using a computer account belonging to another individual without the explicit permission of that individual;
- (b) tampering with the operation of the University's computer system including both its equipment and its programs;
- (c) using the system for commercial purposes;
- (d) inspecting, modifying or copying programs or data without authorization from the owner;
- (e) using the electronic formats to send or display abusive, obscene, or otherwise harassing communications; and
- (f) using file sharing software in violating copyright laws by illegally downloading or uploading music, movies or video files.

3. Falsification of Information

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

4. Improper Possession, Use or Abuse of Alcoholic Beverages

Students under 21 years of age may not possess, purchase, or consume any alcoholic beverages. Students 21 years of age or older may not purchase or provide alcohol to underage persons. Abuse of alcohol, regardless of age, and any violation of the University's Alcoholic Beverages Policy shall be construed as a violation of this section. (See Substance Abuse Policy)

5. Possession or Use of Drugs

A student shall not possess or use any illegal or controlled drug or other substance, as defined by the laws of the state of Maryland, or drug paraphernalia. No student shall sell or give such drug or substance to any other person. Students found responsible for use, possession or sale of illegal drugs or drug paraphernalia will be subject to a recommended sanction of suspension or expulsion from the University.

6. Obstruction of the Rights of Others

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

willfully limit the protected freedom of others through disorderly assembly, disorderly picketing, obstruction of free speech, press, expression, assembly or access to the facilities and processes of the University.

7. Disruptive Behavior

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

8. Discriminatory Conduct

Acts of violence directed against individuals, groups, or institutions because of race, religion, ethnic background, or sexual orientation which may result in physical injury or property damage will not be tolerated by Frostburg State University.

9. Violence to Persons/Physical or Verbal Assault

The University will not tolerate acts of violence to other persons by individuals or groups. Acts of violence for the purposes of this section include assault, battery, and/or actions in reckless disregard of human life and safety. Assault includes verbal or written acts which place a person in personal fear or which have the effect of harassing or intimidating a person. Battery includes the unauthorized touching of another person. Students found responsible for violence to persons involving serious physical injury will be subject to a recommendation of suspension or expulsion from the University.

10. Theft, Destruction and/or Abuse of Property

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

11. Possession or Use of Weapons and Explosives

Possession of firearms or potentially dangerous weapons or explosives is not permitted on university property unless they have been properly registered and secured with university police. Any potentially dangerous weapon including, but not limited to, a rifle, pistol, hunting knife, bowie knife, martial arts weapons and live ammunition must be registered and deposited with University Police. Fireworks are considered explosive devices and are not permitted on campus except when approved by the university administration for official functions. Weapons such as a dirk knife, switchblade knife, pen knife with a blade exceeding three inches, sand club, blackjack, metal knuckles,

straight razor, paintball guns, pellet gun, BB gun or any weapon considered illegal by the state of Maryland are also not permitted on campus. At no time may the weapon be kept any place on campus other than with University Police in accordance with the Weapon Registration Policy. Weapons checked out must be returned to the University Police Office immediately upon the weapon being returned to campus. Any object employed in a violent manner may be considered as "use of a weapon." Students found responsible for possession or use of weapons or explosives will be subject to removal from the residence hall and/or suspension or expulsion from the University.

12. Violation of Campus Safety Regulations

The University and the state of Maryland prohibit the tampering with, removal of, setting off or damage to fire equipment or alarm systems in any university building when no fire or immediate danger of fire exists. Violation of other campus safety regulations are also prohibited by this section. These include, but are not limited to, (a) setting unauthorized fires; (b) turning in false fire alarms or reporting the false presence of explosive devices; and (c) failure to properly evacuate a building during a fire drill. Violators are subject to removal from the residence hall and to suspension and/or expulsion from the university, and/or referral to the criminal court system.

13. Hazing

The University considers hazing, as defined below, to be indefensible and contrary to the interests of the university community. Hazing is defined, for purposes of this section, as

- (1) any activity or action which subtly, flagrantly or deliberately demeans, embarrasses, threatens, invites ridicule or draws inappropriate or negative attention to a member, and/or an attitude which implies one member is superior to another or that initiation must be earned through personal services or meaningless activities for initiated members; and/or
- (2) actions which result in the impairment of academic performance or of the proper fulfillment of obligations to university sponsored groups; and/or
- (3) retaliation or threats of retaliation against persons reporting acts prohibited by this section. Any violation of the University's Hazing Policy will be considered a violation of this section.

14. Entry of Restricted Areas

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

15. Ignoring or Refusing a Reasonable Request of Authorized University Personnel

The University and the state of Maryland require that any individual or group comply with a reasonable request from authorized university personnel in the performance of their official duties.

16. Violations of Public Laws

The University reserves the right to take appropriate or protective action against students convicted of violations of public laws on and off campus.

17. Misconduct of Registered Student Groups

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

18. Off-Campus Student Behavior

The University reserves the right to take appropriate action and/or initiate conduct proceedings when behavior of an individual or individuals presents a danger to the health, safety, and well-being of others in the community.

Students are expected to conduct themselves in a manner that demonstrates their respect for the rights of others. Also, individuals engaging in activities off campus have a responsibility to conduct such activities within the laws and ordinances of the community.

19. Serious Criminal Offenses

Students accused of serious criminal offenses on or off campus shall be subject to university action through the Student Code of Conduct, including interim suspension, pending a prompt hearing. Serious criminal offenses shall include behavior which (a) is defined as a felony under Maryland law, and (b) indicates that the student constitutes a substantial danger to the safety or property of the University or members of the campus community. The University reserves the right to take action through its Student Conduct System prior to the disposition of any action that may result from criminal proceedings.

20. Regulations Concerning Conduct Within the Residence Halls

Successful group living, such as that experienced in the university residence halls, can be achieved only through cooperative effort on the part of each individual who composes the group. It is important that each person is aware of his/her own rights and respects the rights and privileges of others.

Each member of the residence community should be prepared to conduct himself/herself at all times in such a manner as not to infringe upon those rights. Students violating residence hall policies will be subject to university action. Violations of the following policies can result in the cancellation of one's housing contract or the non-renewal of one's contract for the next year or semester. The Residence Life Office may hold a panel or administrative hearing prior to canceling one's contract and the resident may be requested to “show-cause” why the contract should not be canceled. However, violations which endanger the health and safety of the residents or themselves, which cause serious physical damage to the facilities, or are disruptive to the study atmosphere, will be dealt with promptly through administrative procedures and may result in removal from housing, pending a student conduct hearing. Such an interim suspension and/or loss of privileges, including removal from housing, is to become immediately effective without prior notice, whenever there is evidence that continued presence of the student or student organization on the university campus poses a substantial threat to

himself or herself or to others or to the stability and continuance of normal University functions. Continued violation of less serious policies may result in a contract review. Students not living in residence halls will also be expected to abide by these guidelines when visiting in the residence halls:

- a. **Fire Safety Equipment:** Tampering with fire extinguishers, fire alarms, smoke detectors, sprinkler systems, or any type of fire safety equipment is strictly prohibited when no fire or immediate danger exists. Violators are subject to removal from the residence hall and to suspension and/or expulsion or referral to the criminal court system.
- b. **Weapons:** Firearms, ammunition, fireworks, dangerous weapons, explosive substances or other illegal contraband in the residence halls are strictly prohibited. All weapons (firearms, bows and arrows, knives, nunchuks, pellet guns, BB guns, paintball guns, etc.) must be registered and kept with university police and must not be cleaned in student rooms or any area of the residence hall. See comments on page 83.
- c. **Room Alterations:** Alterations to the residence hall rooms, (including, but not limited to electrical wiring, attaching hardware to walls, ceilings or doors, constructing platform beds, waterbeds, ceiling fans or painting rooms), are not authorized except in accordance with university policy as issued by the Residence Life Office.
- d. **Fire Safety:** Student rooms are part of a larger community and steps are taken to protect the safety of all students in the community. Students should not have open flames, burn incense, or conduct themselves in such a manner as to increase the risk of fires in the residence halls. Student rooms should allow easy egress and doors should not be tampered with or propped open. Failure to leave the building during a fire alarm is considered a violation of the Fire Safety Policy.
- e. **Alcohol:** Students under the age of 21 are not permitted to possess or consume alcohol. Students 21 years of age are not to consume alcohol in any room in the presence of any students under the age of 21 (with the exception of an underage roommate). Consumption of alcohol in any other area of the residence hall (lounges, study rooms, TV lounges, cluster halls, baths, etc.) is strictly prohibited. Kegs and/or keg parties are not permitted in any residence hall area, including individual rooms. Beer kegs, empty kegs, beer pong tables or any device used to artificially increase alcohol consumption are not permitted on campus. Alcoholic beverages shall not be brought into the residence hall by guests or visitors.
- f. **Drugs/Drug Paraphernalia:** The use, possession and/or sale of illegal drugs and/or drug paraphernalia, other than those used under the direction of a physician by the individual prescribed, are strictly prohibited. Violators will be referred to university police and/or local authorities and will be subject to a recommended sanction of suspension or expulsion from the University.
- g. **Public Disturbances:** An atmosphere conducive to normal living and study must be maintained 24 hours a day in the residence halls. As always, respect for the rights and freedoms of other residents should be the basic guideline for behavior. Minimum guidelines will be established by the Residence Life Office. Each hall, wing, cluster or section may further restrict quiet hours for their area and are to take responsibility for enforcing these hours. Radios, stereos and TV sets must be played discreetly at all times. Stereo speakers are not to be played out windows. Musical instruments are not to be practiced in the residence halls. Hall sports are prohibited. Excessive noise or other public nuisances created or permitted by residents is strictly prohibited.

Conduct shall be deemed such a nuisance if it penetrates into the room or cluster areas of other residents, unwillingly subjecting them to an unreasonable disturbance or inconvenience. Snowball fights, spraying waterguns, shaving cream battles, etc. shall be considered public disturbances and shall be handled as such.

- h. **Refusing a Reasonable Request:** University officials, including Residence Life staff, have the authority to enter a student's room. This authority may be exercised in the interest of student safety, the protection of university property, or when a violation of university policy is occurring. A resident's refusal to open his/her room when requested by a staff member under these circumstances is considered a failure to comply with a reasonable request of a university official.
- i. **Late Entrance/Exit:** All residence halls are secured 24 hours a day. Residents are required to carry their student ID as all times in order to gain access to their hall. Only doors with card access are to be used to enter the hall. For the safety of all residents, locked exterior doors may not be propped or otherwise disabled.
- j. **Guest/Visitation:** Prior consent of one's roommate is required for overnight guests on each occasion of the guest's visit. Overnight guests may visit for periods of no longer than two consecutive nights, and for no more than a total of ten nights in a semester, unless special permission is given the Director of Residence Life or designee. Any student living in a limited visitation area must abide by these limitations. Guests cannot be registered to visit in a residence hall without a valid identification (i.e., FSU ID, driver's license, etc.).
- k. **Smoking:** FSU is a smoke free campus. Smoking is prohibited in all residence halls, including student rooms, public areas and entryways.
- l. **Gambling:** Illegal gambling is prohibited within the residence halls.
- m. **Solicitation:** and sales of any service or product door to door in a residence hall or by way of the university telephone or internet system is strictly prohibited. Solicitation and sales by registered student organizations of any service or product in the lobby of a residence hall must have approval of the Residence Life Office at least two (2) school days in advance of the sale. Commercial sales will not be allowed from individual student rooms or other areas within the residence halls. Anyone interested in selling within the residence halls must come to the Residence Life Office to receive information about complying with the sales policy. The residents may not use the residence hall rooms or residence hall telephone numbers or e-mail accounts as a place of business or for purposes of solicitations or any purpose other than as a residence. Advertisement, sale or solicitation of alcoholic beverages is not allowed in the residence halls or student mailboxes and, therefore, will not be approved.
- n. **Residential Belongings:** No student shall take any university owned furnishings/equipment out of the room assigned to him/her or move any of the equipment out of its designated area. Furnishings assigned to public areas within the hall are for use by all residents and should not be moved into individual rooms or shifted from one hall to another. Such removal will be considered to be an act of theft.
- o. **Roofs/Windows:** Students are not permitted on the roof of any residence hall. Nothing, including trash should be thrown or dropped from the windows. Screens are not to be unscrewed or removed from windows. Windows are not to be used as means of entrance or exit to a room. Students are not permitted to sit in windows at any time.
- p. **Pets:** Pets, including but not limited to dogs, cats, rabbits, rodents, and reptiles, are prohibited from all residence halls. Fish are allowed but must be taken home over

semester breaks. The University will not be held responsible for the safety of fish in the event of electrical power failures.

- q. **Electrical Equipment:** Personal electrical equipment will be limited to small appliances without open coils. Cooking units for use in individual rooms are prohibited (such as microwaves, toaster ovens, hot plates, etc.). A free-standing microwave/refrigerator unit is provided in each room.
- r. **Air Conditioners/Heaters:** Air conditioning is provided in Cambridge, Frederick and Westminster Halls and designated lobbies in other halls. Personal air conditioners are not permitted in any residence hall rooms. Space heaters are prohibited.
- s. **Other Residence Hall Policies:** At certain times violations of residence hall policies and regulations may occur which appear in other official publications of the University. In such cases, a specific reference to those policies, guidelines or regulations will be made.

21. Endangering the Health and Safety of Self or Others

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

22. Sexual Harassment

Frostburg State University is particularly sensitive to the issue of sexual harassment within a campus community. The University will not tolerate sexual harassment in any form. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's educational or career advancement; (b) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individuals in their educational or career advancement, or (c) such conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile, or offensive employment or educational environment.

23. Sexual Offenses

The University System recognizes two levels of sexual offenses:

a. Sexual Misconduct I

By stranger or acquaintance, rape, forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening with any object. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

b. Sexual Misconduct II

By stranger or acquaintance, the touch of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them) or forcing an unwilling person to touch another's intimate parts. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

24. Harassment

Engaging in intentional conduct directed at a specific person or persons which seriously alarms or intimidates such person or persons and which serves no legitimate purpose. Such conduct may include: explicit or implicit threats, including gestures which place a person in reasonable fear of unwelcome physical contact, harm or death; following a

person about in a public place or to or from his or her residence; making remarks in a public place to a specific person which are by common usage lewd, obscene, expose a person to public hatred or that can reasonably be expected to have a tendency to cause acts of violence by the person to whom the remark is addressed; or communicating by voice or graphic means or electronic formats including social media site postings or making a telephone call or text anonymously whether or not a conversation ensues.

25. Violating the Terms of a Sanction

Violating the terms of any university sanction imposed in accordance with this Code. The University expects students to accept responsibility and the consequences for their decisions and behavior. Students who do not complete an imposed sanction will be subject to additional sanctions.

26. Gambling

Illegal gambling is prohibited throughout the campus.

27. Other

At certain times violations of university policies and regulations may occur which appear in other official publications of the University. In such cases, a specific reference to those policies, guidelines or regulations must be made.

28. Discrimination

Frostburg State University is committed to maintaining a community where the rights of others are respected. Copies of the University's Allegation of Discrimination/Harassment Procedures may be obtained from the Office of AA/EEO. For specific information about the University's policies regarding discrimination, see the "Non-Discrimination/Equal Opportunity" and "Sexual Harassment Policies under General University Policies.

29. Event-Related Misconduct

"Event-related misconduct" is rioting, assault, theft, vandalism, fire setting or other misconduct related to an institution-sponsored event occurring on- or off-campus, that results in harm to persons or property or otherwise poses a threat to the stability of the campus or campus community.

Students found responsible for event-related misconduct will be subject to a recommendation of suspension or expulsion from the University. Any decision to impose a sanction less than suspension or expulsion must be supported by written findings signed by the institution's chief student affairs officer. A record of any suspension or expulsion under this policy shall be noted on the student's transcript.

A student suspended under this policy shall not be admitted to any other institution in the System during the term of the suspension. A student expelled under this policy shall not be admitted to any other institution in the System for at least one year from the effective date of the expulsion.

30. FSU is a smoke free campus.

Smoking is prohibited on all university grounds including property owned, leased, or otherwise operated by FSU.

Sanctions

One or more of the following sanctions may be imposed for violations of the University Standards of Personal and Group Conduct. A hearing panel may take into consideration

several factors when determining an appropriate sanction. Such factors to be considered shall be the present demeanor and past student conduct record of the offender, as well as the nature of the offense and the severity of any damage, injury or harm resulting from it.

1. Expulsion

The hearing board may recommend expulsion to the Vice President for Student & Educational Services. Expulsion constitutes permanent separation of the student from this university. Any student who is expelled shall not be entitled to any tuition or fee refund.

2. Suspension

The hearing board may recommend suspension to the Vice President for Student & Educational Services. Suspension involves separation of the student from the University for a specified period of time. In particular cases, the student may also be barred from university premises during the period of suspension.

3. Disciplinary Probation

Disciplinary probation is imposed for a specified period of time. The student on disciplinary probation may be subjected to additional restrictions or obligations during the probationary period. For example, in appropriate instances, students may be required to consult with staff members of Counseling & Psychological Services and the Residence Life Office. A sanction of suspension or expulsion will be strongly considered for any student who is found guilty of violating the University Standards of Personal and Group Conduct while on disciplinary probation.

4. Disciplinary Reprimand

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

5. Organizational Dissolution

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

6. Restitution

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

7. Cancellation of Housing Contract

The hearing board has the option of recommending to the Director of Residence Life that a student's housing contract be canceled if the seriousness of the violation warrants such action. Any student who has his/her housing contract canceled shall not be entitled to any housing deposit or fee refund.

8. Suspension of Group

Suspension shall consist of the withdrawal of an organization's recognition by the University for a stated period of time when an organization is found to have violated regulations. Suspension shall result in complete suspension of the activities of the

group during the stated period of time and may also include conditions for removal of suspension.

9. Other Sanctions

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

Interim Suspension/Show Cause Hearings

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

Referrals

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

Student Conduct Administrators

The responsibility for administering the Student Conduct System rests with the Office of Student & Educational Services. The responsibilities of this office include:

1. Determination of the disciplinary charges to be filed pursuant to this code.
2. Interviewing and advising parties involved in student conduct proceedings.
3. Supervising, training, and advising all student conduct panels.
4. Coordinating the selection of the panel members.
5. Maintaining all student conduct records.
6. Developing procedures for conflict resolution when appropriate.
7. Providing follow-up for any sanctions issued.
8. Conducting an annual review and evaluation of the Student Conduct System.
9. Submission of an annual report which includes the referrals to the University Student Conduct System and a summary of sanctions imposed.

The Student Conduct Administrators will review referrals to determine whether the case should be resolved by a hearing before the appropriate student conduct board or through a conference.

The University reserves the right to determine the most appropriate vehicle to resolve alleged violations of the Code of Conduct. Such methods may include panels, administrative hearings, conferences or mediation.

Hearing Panels

Hearings may be held before the following panels:

Hearing Panels are established by the Office of Student & Educational Services. The campus hearing panel is composed of a campus hearing officer and 2-4 other persons. The campus hearing officer is responsible for chairing the hearing panel. The others persons on the hearing panel will serve on a rotating basis from a pool composed of students, faculty members and administrators.

Ad Hoc Panels may be appointed by the Student Conduct Administrator when a hearing panel is unable to hear a case. Each ad hoc panel shall be composed of 3-5 members.

The Appellate Panel hears appeals from the hearing panels and ad hoc panels, in accordance with the provisions of this Code. The appellate panel is ordinarily composed of three to five individuals selected from a pool of students, faculty, and administrators.

Selection and Removal of Panel Members

Members of various student conduct panels are selected in accordance with procedures developed by the University Student Conduct Administrator.

Prior to participating in panel deliberations, new members of all student conduct panels will participate in an orientation session.

Student members of any student conduct panel who are charged with any violation of this Code or with an offense may be removed from their student conduct positions by the University Student Conduct Administrator while charges are pending against them. Students found responsible for any such violation or offense may be disqualified from any further participation in the University Student Conduct System by the University.

Administrative Hearings/Student Conduct Conference

Administrative hearings may be conducted by a Student Conduct Administrator or a designee to resolve alleged violations of the University Standards of Personal and Group Conduct.

Students referred to a student conduct panel hearing may request instead to have their case resolved by an administrative hearing if they are responsible for the violations.

Students subject to or requesting to participate in an administrative hearing are accorded the following procedural protections:

- a. Written notice of charges at least three class days prior to the scheduled conference.
- b. An opportunity to respond to the information against them.

Students who fail to appear for an administrative hearing after proper notice will be deemed to have pleaded responsible to the charges pending against them.

A student conduct conference is less formal in nature and focuses on corrective resolution of behavior or problems when a hearing is not deemed necessary. A student conduct conference will not always result in a referral through the Student Conduct System.

Mediation

A Student Conduct Administrator may elect to resolve student conflict through mediation. A mediation agreement may be arranged between two students or the student and the University to resolve a violation of the Code of Conduct where the behavior in question is not contested and constructive action can resolve and prevent future conflict. Violations of a mediated agreement will result in a student record and student conduct proceedings. Violation of or failure to fulfill a mediated agreement will result in a student conduct record and possible student conduct referral. Prior to a mediated agreement, parties may end the mediation process at which time formal hearing procedures will begin.

Hearing Procedures

The dynamics of a student conduct hearing in a university setting are not the same as those of a courtroom. Strict adherence to the conventions of courtroom advocacy may not be in the best interest of students in university student conduct proceedings.

The presiding officer of the panel and the Student Conduct Administrator are authorized to take reasonable measures to maintain control over the proceedings in order to elicit relevant facts, to prevent the harassment of participants, to ensure that proceedings are not disrupted, and the interests of fairness are served. This may include regulating the timing, length and manner of presentations and objections, declaring recesses in the proceedings, and other appropriate actions.

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

1. Students shall be given a copy of the Violation Report/Incident Report, which shall include the specific charges against them and a description of the alleged activities. Students shall also receive notice of the hearing date, time and location. Students shall receive this notification at least three (3) days in advance. The notification will be sent to their local address, campus mailbox or by e-mail.
2. The hearing will provide the student(s) charged and the person(s) making the referral with an opportunity to present testimony and witnesses or witness statements on their own behalf. Both parties also shall have the right to hear and challenge adverse testimony or witnesses thru the panel. Witness statements shall be provided in a reasonable time prior to the hearing to allow both parties to review and challenge witness statements. Witness statements are to be used only in situations determined by the hearing administrator.
3. A hearing will be held following proper notice to the student(s) and a decision will be reached regardless of whether all affected parties are present.
4. Withdrawal from the University after a violation report has been filed does not excuse the student from the hearing. Students who fail to appear after proper notice may be deemed to have pleaded responsible to the charges pending against them.
5. Hearings will be closed to the public. An open hearing may be held, at the discretion of the Student Conduct Administrator, with the agreement of both the person making the referral and the student being referred. Hearings are considered confidential.
6. The chairperson of the hearing panel shall exercise control over the hearing to avoid needless consumption of time, to maintain order, and to prevent the harassment or intimidation of witnesses. Any person who disrupts a hearing or who fails to adhere to the rulings of the chairperson of the hearing panel may be excluded from the hearing.
7. Hearings may be tape recorded or transcribed. Any tapes or verbatim transcripts

of matters arising under this system shall be retained in the custody of the Student Conduct Administrator for a minimum of three working days or until after the appeal has been heard, if one has been granted. If a recording or transcript is not made, the decision of the hearing panel must include a summary of the testimony and shall be sufficiently detailed to permit appropriate review of all essential matters in the event that an appeal is filed. Involved parties may review the tape of a hearing after written request to the Office of Student and Educational Services.

8. Prior to the beginning of a hearing, any party to a case may challenge to the Student Conduct Administrator a member of the hearing panel on the grounds of personal bias. Panel members may be disqualified upon determination by the Student Conduct Administrator that a disqualifying factor exists.
9. Witnesses shall be asked to affirm that their testimony is truthful and students may be subject to charges of falsification of information under this Code.
10. Prospective witnesses may be excluded from the hearing during the testimony of other witnesses. All parties, the witnesses, and the public shall be excluded during panel deliberation.
11. It must be established that it is more likely than not that the referred student has violated the University Standards of Personal and Group Conduct.
12. Formal rules of evidence applicable in courts of law shall not govern student conduct proceedings under this system. The Student Conduct Administrator may give consideration to the rules of confidentiality and privilege, but shall otherwise admit all relevant matters as information which reasonable persons would accept as having value in the conduct of their personal affairs. Unduly repetitious or irrelevant testimony may be excluded.
13. The student(s) charged and the person(s) making the referral have an opportunity to question all witnesses through the student conduct panel.
14. In considering testimony, panel members may consider matters which fall within general experience and which have relevance to the matters under consideration.
15. Students referred for violations of the University Standards of Personal and Group Conduct will ordinarily be provided a hearing within twenty (20) class days of the violation report being filed.
16. Students are expected to represent themselves at the hearing. Advisors may be utilized to support students. An advisor may sit with the student they are supporting and consult with them but may not address the panel or other individuals present or create any disruption to the hearing. Only one advisor per student is permitted in the hearing.
17. Legal counsel of the student referred or the person making the referral is not permitted to attend the hearings unless there is a substantial probability of criminal charges being filed against the student. In this case, legal counsel may be the student's choice of advisor (see procedure 15). The Student Conduct Administrator may appoint a special presiding officer to any panel in any case in which the student is represented by an attorney. Special presiding officers may participate in panel deliberations, but shall not vote.
18. If a student has been found responsible for violating the University Standards of Personal and Group Conduct, there shall be an additional phase of the hearing in which either party may make statements concerning the impact of the violation and/or the appropriate sanction to be imposed. During this sanctioning phase, the referred student

may present character references or statements to testify in his or her behalf. Such testimony is limited to the referred student's background and character, rather than the incident in which the student was involved. The past student conduct record of the student shall not be supplied to the panel by the Student Conduct Administrator prior to the sanctioning phase. All such testimony is heard prior to the deliberation on a sanction. The sanctioning phase shall ordinarily take place immediately following the panel's determination that a violation has occurred.

19. Final decisions of all student conduct panels shall be by majority vote of the members present and voting. A tie vote will result in a student being found not responsible of violating university regulations. A tie vote in an appellate proceeding will result in an affirmation of the original decision.
20. A written decision shall be sent to the referred student at his/her local address or by e-mail within a reasonable time. Copies shall be maintained in the Office of Student and Educational Services.
21. Student conduct actions will be noted on a student's transcript in those instances when a student has been expelled or when a student has been suspended for academic dishonesty or event related misconduct.
22. The use of technology such as telephone, conference call or video conferences may be used at the request of the involved parties. Such requests must be approved by the Conduct Administrator and, if approved, will be provided as an option to all parties involved.

Student Conduct Files and Records

Referrals will result in the development of a student conduct file in the name of the referred student. The files are retained in the Office of the Vice President for Student & Educational Services. Files will be retained as student conduct records for either: 1) three years from the date of the letter providing notice of final disciplinary action, or 2) when the student graduates from the University. Student conduct records of cases resulting in suspension, expulsion, or organizational dissolution may be retained for longer periods of time or permanently at the discretion of the Vice President for Student & Educational Services. Conduct files are considered educational records and are protected by FERPA.

Student Groups and Organizations

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

A student group or organization and its officers may be held collectively or individually responsible when violations of this Code by those associated with the group or organization have received the tacit or overt consent or encouragement of the group or organization or of the group's or organization's leaders, officers, or spokespersons.

Punishment of one or several individuals for the acts of others should be avoided if the identities of the specific offenders can be readily ascertained. Association does not require formal membership. Individuals who might reasonably be regarded as regular participants in group or organization activities may be held to be associated with the group or organization.

The officers or leaders or any identifiable spokespersons for a student group or organization may be directed by the Vice President for Student & Educational Services or a designee to take appropriate action designed to prevent or end violations of this Code by the group or organization or by any persons associated with the group or organization

who can reasonably be said to be acting in the group's or organization's behalf. Failure to make reasonable efforts to comply with the vice president's directive shall be considered a violation of this Code, specifically "Ignoring or Refusing a Reasonable Request of Authorized University Personnel," both by the officers, leaders or spokespersons for the group or organization and by the group or organization itself.

Sanctions for group or organization misconduct may include revocation or denial of recognition or registration, as well as other appropriate sanctions outlined in this Code.

Appeals

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

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

In the absence of extraordinary or mitigating circumstances, which shall be judged by the Student Conduct Administrator, the severity of the sanction imposed by the hearing panel shall not constitute grounds for appellate review. All requests for appeals shall be reviewed by the Office of Student and Educational Services, who shall notify, in writing, all parties (referring party, referred party, and victims) involved of the results of that review. If the request for an appeal is denied, the original decision becomes final. If an appeal is granted, all parties involved shall be informed, in writing, that a review of the original decision is being conducted by an appellate panel. A written statement for the appellate review must be submitted to the Office of Student and Educational Services within five business days from the date of the letter notifying the student that an appeal has been granted. Failure to submit a written statement within the allotted time will render the decision of the original board final and conclusive.

Appeals shall be decided upon the record of the original proceeding and upon written statements submitted by the parties. Completely new hearings shall not be conducted by the appellate panel.

Appellate panels may:

- a. Affirm the finding and the sanction imposed by the original panel.
- b. Affirm the finding and reduce, but not eliminate, the sanction.
- c. Refer the case to a new student conduct panel.
- d. Dismiss the case. Cases may be dismissed only if the finding is held to be arbitrary and capricious.

Ordinarily, cases will be referred to a new student conduct panel only in those instances in which the appeal has been granted because of new and significant evidence.

Decisions of the appellate panel which include sanctions of suspension or expulsion shall be recommendations to the Vice President for Student & Educational Services. Decisions of the appellate panel which include a sanction of cancellation of housing contract shall be recommendations to the Director of Residence Life. Both the Vice President for Student & Educational Services and the Director of Residence Life (or their designees) may adjust sanctions. Decisions altering the determinations of all hearing panels shall be in writing.

The imposition of sanctions will normally be deferred while appellate proceedings are pending at the discretion of the Student Conduct Administrator.

Cases involving academic dishonesty shall be reviewed by or appealed to the Provost/Vice President for Academic Affairs.

Hazing

Frostburg State University opposes any situation created intentionally to produce mental and physical discomfort, embarrassment or ridicule. The University does not condone hazing in any form. Violators of this policy are referred for appropriate student conduct action.

Hazing is defined by the Frostburg State University Student Conduct System as “any activity or action which subtly, flagrantly or deliberately demeans, embarrasses, threatens, invites ridicule or draws inappropriate or negative attention to a member, and/or an attitude which implies one member is superior to another, or that initiation must be earned through personal services or meaningless activities for initiated members. Furthermore, hazing may consist of actions which result in the impairment of academic performance or of the proper fulfillment of obligations to university sponsored groups or activities.” Implied or expressed consent of a student to hazing may not be used as a defense.

Actions and activities which are explicitly prohibited include, but are not limited to, the following:

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

Frostburg State University has unconditionally opposed any situation created intentionally to produce mental and physical discomfort, embarrassment or ridicule.

Substance Abuse Policy

Frostburg State University is committed to the pursuit and dissemination of knowledge and, as such, expects all members of the academic community to behave in a manner conducive to that end. Illegal or abusive use of drugs or alcohol by members of the university community severely limits their educational and human potential and their ability to achieve educational, career and personal goals, jeopardizes the safety of the individual and the university community, and adversely affects the mission of the University. Frostburg State University is therefore committed to having a campus that is free of the illegal or abusive use of drugs and alcohol. Toward that end, it is the policy of the University that the illegal or abusive use of drugs or alcohol by employees and students is prohibited on university property or as a part of any university activity whether on or off campus.

In accordance with the University's responsibilities under the Federal *Drug-Free Schools and Communities Act Amendments of 1989*, and the Maryland Higher Education Commission's *Policies Concerning Drug and Alcohol Abuse Control*, the University provides the following information to its employees and students.

Standards of Conduct

The terms "controlled substances" and "illegal drugs" prohibited under this policy are those set forth in Article 27 of the Annotated Code of Maryland:

1. Students shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled dangerous substance while on campus or at a university sponsored activity.
2. Students shall not possess or use drug paraphernalia on campus or at a university sponsored activity.
3. Students shall not possess, purchase or consume any alcoholic beverages on campus or at a university sponsored activity unless they are 21 years of age or older. Students also shall not distribute alcohol to underage persons on campus or at any university sponsored activity.
4. Students shall not unlawfully distribute or dispense any alcoholic beverages on campus or at a university sponsored activity.
5. Violations of the University's Alcoholic Beverages Policy, as contained in the *Pathfinder*, or as from time-to-time amended, shall be considered a violation of this policy and the University Standards of Personal and Group Conduct.
6. Violations of the above policies which occur off-campus may be considered a violation of the University Standards of Personal and Group Conduct where such violation interferes with the mission of the University and presents a danger to the health, safety and well-being of others. Students convicted of federal, state and/or local alcohol or drug laws on or off campus also violate the University Standards of Personal and Group Conduct and may be subject to appropriate action through the Student Code of Conduct. Students accused of violating a federal, state and/or local drug law on or off campus which is considered a felony under federal, state or local law, may face action under the University Code of Conduct, including interim suspension pending a university hearing, prior to or concurrent with any criminal proceeding.
7. Possession or use of alcohol in university residence halls is prohibited in all residence halls that have been designated as alcohol free. In all other residence halls, alcohol may

be consumed only by persons 21 years of age or older, and with the following limitations:

- a. Alcohol may not be consumed in a room where any guest (non-occupant) under the age of 21 is present.
- b. Alcohol may not be consumed in residence hall hallways, corridors, stairwells, common bathrooms, elevators and any public place.
- c. Alcohol may not be brought into residence halls by guests or visitors.

Violation of these policies and other duly adopted policies relating to the consumption of alcohol in university residence halls will be considered a violation of the Residence Hall Contract and the University Standards of Personal and Group Conduct.

Sanctions of Student Conduct

1. Any student found to be in violation of any of the applicable provisions of this policy shall be subject to progressive disciplinary action through the University Student Code of Conduct System. One or more of the sanctions for violations of the University Standards of Personal and Group Conduct may be imposed, including probation, suspension or expulsion from the University. As a condition of continued enrollment, the University may require a student to participate in a substance abuse education, assistance or rehabilitation program.
2. The University may suspend on an interim basis and/or remove from campus housing a student accused of violating this policy pending a hearing on the violation if it determines that the student's continued presence on campus constitutes a threat to the health, safety or welfare of the student or others or the welfare of the University, its property or personnel.
3. The University reserves the right to conduct student conduct hearings and take disciplinary action against students who have been charged with violating a federal, state or local drug or alcohol law before, during or after any civil or criminal proceeding or resolution of those charges occur.

Legal Sanctions Under Federal, State and Local Laws

A. Federal Penalties and Sanctions for Illegal Possession of a Controlled

Substance:

21 U.S.C. 844(a)

First Conviction: Up to one year imprisonment and fined at least \$1,000, but not more than \$100,000, or both.

After one prior drug conviction: At least 15 days in prison, not to exceed two years, and fined at least \$2,500, but not more than \$250,000, or both.

After two or more prior drug convictions: At least 90 days in prison, not to exceed three years, and fined at least \$5,000, but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least five years in prison, not to exceed 20 years, and fined up to \$250,000, or both if:

- a. First conviction and the amount of crack possessed exceeds five grams.
- b. Second crack conviction and the amount of crack possessed exceeds three grams.
- c. Third or subsequent crack conviction and the amount of crack possessed exceeds one gram.

21 U.S.C. 853(a)(2) and 881(a)(7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (*See special sentencing provisions re: crack.*)

21 U.S.C. 881(a)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844(a)

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853a

Denial of federal benefits, such as student loans, grants, contracts and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc. is vested within the authorities of individual federal agencies.

B. Federal Penalties and Sanctions for Trafficking of Controlled Substances


A summary of federal trafficking (i.e., distribution) penalties for substances covered by the Controlled Substances Act (21.U.S.C.811) is attached as Table 1.

C. State Penalties and Sanctions for Illegal Possession or Trafficking of Controlled Substances

The state of Maryland has its own laws dealing with distribution, manufacturing, and possession of controlled substances. A summary of these laws is attached as Table 2.

D. State Penalties and Sanctions Relating to Alcohol

1. It is illegal in the state of Maryland for any person under 21 to falsify or misrepresent his or her age to obtain alcohol, or to possess alcoholic beverages with the intent to consume them. It is also illegal in most situations to furnish alcohol to a person under 21, or to obtain alcohol on behalf of a person under 21. See Article 27, Sections 400 to 403B, Maryland Annotated Code. The penalty is a fine of up to \$500 for a first offense, and up to \$1000 for repeat offenses.
2. Persons are prohibited from drinking any alcoholic beverage while on public property, unless authorized by the governmental entity that has jurisdiction over the property; in the parking area or on the mall or other area outside of a shopping center or other retail establishment, unless authorized by the owner; or in a parked vehicle located on any of the places listed above, unless authorized. See Article 2B, Section 211, Maryland Annotated Code. The penalty is a fine not exceeding \$100.

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3. Persons are prohibited from possessing in an open container any alcoholic beverage on the mall, adjacent parking area or other area of a shopping center unless authorized by the owner; or in any parked vehicle located on any of the places listed above, unless authorized. See Article 2B, Section 214. The penalty is a fine not exceeding \$100.

E. Local Penalties and Sanctions Relating to Alcohol

See Section D3 above.

Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual. 2 or More Prior Offenses: Life imprisonment
Cocaine Base (Schedule II)	5-49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture	100 gm or more pure or 1 kg or more mixture		
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual		
Flunitrazepam (Schedule IV)	1 gm or more			
Other Schedule III drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
Flunitrazepam (Schedule IV)	30 to 999 mgs			
All other Schedule IV drugs	Any amount	First Offense: Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.		
Flunitrazepam (Schedule IV)	Less than 30 mgs			

All Schedule V drugs	Any amount	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>
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Federal Trafficking Penalties - Marijuana

DRUG	QUANTITY	1 st OFFENSE	2 nd OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> Not less than 10 years, not more than life If death or serious injury, not less than 20 years, not more than life Fine not more than \$4 million if an individual, \$10 million if other than an individual 	<ul style="list-style-type: none"> Not less than 20 years, not more than life If death or serious injury, mandatory life Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> Not less than 5 years, not more than 40 years If death or serious injury, not less than 20 years, not more than life Fine not more than \$2 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> Not less than 10 years, not more than life If death or serious injury, mandatory life Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> Not more than 20 years If death or serious injury, not less than 20 years, not more than life Fine \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> Not more than 30 years If death or serious injury, mandatory life Fine \$2 million if an individual, \$10 million if other than individual
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> Not more than 5 years Fine not more than \$250,000, \$1 million other than individual 	<ul style="list-style-type: none"> Not more than 10 years Fine \$500,000 if an individual, \$2 million if other than individual
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

Maryland Trafficking Penalties

Table 2

Applicable Sanctions Under State Law for Possession or Distribution of Controlled Dangerous Substances

[*Maryland Criminal Law Code Ann. 5*]

Schedule*	Penalty - 1st Offense	2nd Offense
I & II (except PCP) which is a narcotic drug	Not more than 20 yrs; fine of not more than \$25,000 or both	Not less than 10 years and subject to fine up to \$100,000
PCP or LSD	Not more than 20 yrs; fine of not more than \$20,000, or both	Not less than 10 years and subject to fine up to \$100,000
Any other controlled dangerous substance classified in Schedule I, II, III, IV or V	Not more than 5 years; fine of not more than \$15,000, or both	Twice that otherwise authorized, but not less than 2 years
For the manufacture, distribution, dispensation or possession with intent to distribute the following:	No less than 5 years or fine not more than \$100,000 if "drug kingpin" not less than 20 years nor more than 40 years; fine of not more than \$1 million	
(a) 50 pounds or more of marijuana		
(b) 448 grams or more of cocaine or cocaine mixture		
(c) 28 grams or more of morphine or opium mixture		
(d) 1000 dosage units of lysergic acid diethylamide or mixture		
(e) 16 ounces or more of phencyclidine in liquid form		
(f) 448 grams or more of any mixture containing phencyclidine		
(g) 448 grams or more of methamphetamine or mixture		

A person who manufactures, distributes, dispenses or possesses with the intent to distribute a controlled substance dangerous substance in, on, or within 1000 feet of an elementary or secondary school will be subject to an additional term of not more than 20 years or a fine of not more than \$20,000 or both for a first offense, and a term for not less than 5 or more than 40 years or a fine of not more than \$40,000 or both for a second offense. [MD Criminal Law Code Ann. Title 5-627a]

Maryland Possession Penalties

[*Maryland Criminal Law Code Title 5*]

Substance	Penalty - 1st Offense	2nd Offense
Any controlled dangerous substance except marijuana	Not more than 4 years; fine of not more than \$25,000, or both	Twice that otherwise authorized
Marijuana	Not more than 1 year; fine of not more than \$1,000, or both	Twice that otherwise authorized

Miscellaneous

Individuals who have been convicted of a controlled dangerous substance offense on or after January 1, 1991 are required to disclose that fact when applying for a license or license renewal. The licensing authority may refuse to issue the license or impose appropriate conditions on the license (except for non-commercial driver's licenses).

* For a list of controlled dangerous substances and their corresponding schedules, see *Maryland Criminal Law Code Ann. 5-402*.

Health Risks

Substance abuse is now recognized as the number one public health problem in the United States. Approximately 30% of all admissions to general hospitals and 50% to psychiatric hospitals have detectable substance abuse. Substance abuse accounts for approximately 150,000 deaths annually. This includes deaths from stroke, diseases of the heart and liver, and all alcohol and drug related suicides, homicides and accidents. Early detection can minimize or prevent the devastating consequences of substance abuse.

Types of Drugs:

Heroin, LSD, Peyote, Mescaline, Psilocybin (Shrooms), Other Hallucinogens, Methaqualone (Quaaludes), Phencyclidine (PCP and MDA)
Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Seconal, Nembutal, Cocaine, Amphetamines, and other opium and opium extracts

Certain barbiturates such as amobarbital and codeine containing medicine such as Fiorinal #3, Doriden, Tylenol #3, Empirin #3, and codeine-based cough suppressants such as Tussionex and Hycomine; and all anabolic steroids.

Barbiturates, narcotics and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets).

Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium, and atropine, such as terpine hydrate with codeine, robitussin AC.

Marijuana, THC, Hashish, Hash Oil, Tetrahydrocannabinol.

Types of Alcohol:

Malt beverage is beer, 1/2 to 1% to 6% alcohol;
Unfortified Wine is wine not more than 17% alcohol;
Fortified Wine is wine of not more than 24% alcohol;

Spirituos Liquor is distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin, etc.

Mixed beverage is a drink composed in whole or part of spirituous liquor and served at restaurants, hotels and private clubs licensed by the state.

Health Risks:

Psychologically and physically addictive, depression, withdrawal symptoms, convulsions, death, unpredictable behavior with hallucinogens, possible damage to unborn fetus. Psychologically and physically addictive; withdrawal symptoms, convulsions, respiratory failure, frequent accidents, possible damage to unborn fetus; death; cocaine and amphetamines increase blood pressure which can lead to irregular heartbeat and death; amphetamines can cause agitation, increase in body temperature, hallucinations, convulsions, possible death.

Psychologically and physically addictive, potential liver damage, nausea and vomiting, dizziness, disorientation, shallow breathing, cold and clammy skin, coma, possible death; withdrawal symptoms include anxiety, tremors, insomnia, convulsions; possible damage to unborn fetus. Psychologically and physically addictive, drowsiness, withdrawal symptoms, tremors, abdominal and muscle cramps, insomnia, anxiety, convulsions, possible death; possible damage to unborn fetus.

Psychologically and physically addictive, gastro-intestinal symptoms, drowsiness, withdrawal symptoms, including runny nose, watery eyes, panic, chills, cramps, irritability, nausea; possible damage to unborn fetus.

Psychologically addictive; increased risk of lung cancer, bronchitis, and emphysema; contributes to heart disease, fatigue, paranoia, possible psychosis; withdrawal symptoms including insomnia, hyperactivity and decreased appetite; depression of the immune system; decreased sperm count in men and irregular ovulation in women.

Health Risks:

Psychologically and physically addictive; respiratory depression; depression of the immune system; increased risk of heart disease; cancer, accidents, hypertension; brain damage; damage to unborn fetus; impotence at high dosage levels.

For additional information contact your local health care provider or pharmacist.

Residential Consumption Law

It is a violation for someone over age 21 to permit someone under age 21 to consume alcoholic beverages on property they own or lease. It does not require that the person over 21 be the source of the alcoholic beverage. Immediate family members are exempt. So are religious ceremonies. The violation is a civil violation of the alcoholic beverages law (Section 401A) and carries a first offense fine of up to \$500.

Available Drug/ Alcohol Programs

Student and Employee Assistance Programs

Frostburg State University believes that members of the university community who use illegal drugs or abuse drugs or alcohol severely limits their educational and human potential and their ability to achieve educational, career and personal goals. Frostburg State University provides educational programs and activities for all members of the university community to increase their knowledge, awareness and understanding of drugs and alcohol.

Students may receive confidential and professional counseling through the University's counseling services. Referrals and information concerning community resources are available through Counseling & Psychological Services or the Residence Life Office.

Employees may receive consultation and referral by Counseling & Psychological Services, Human Resources Office or Allegany County Health Department.

Information and programs are provided to enhance awareness and education concerning abuse prevention. Intervention efforts consist of substance abuse workshops, assessment, referrals to campus and community agencies, and involvement with support groups such as AA, Adult Children of Alcoholics, NA and others. The program also offers a resource library to provide information about alcohol and other drug use and abuse.

BURG

Sand Spring Hall
X4761

Contact: Mr. Don Swogger

BURG is a student organization offering peer education to FSU students concerning substance abuse issues.

COUNSELING & PSYCHOLOGICAL SERVICES

Sand Spring Hall
X4234

Contact: Dr. Spencer Deakin

Counseling & Psychological Services provides short-term counseling, assessment and referral services for students. In addition, we provide educational and consultation services for students.

RESIDENCE LIFE OFFICE

Annapolis Hall
X4121

Contact: Mr. Dana Severance

The Residence Life Office provides educational programs and services on substance use and abuse. Additionally, we provide referrals to campus and community agencies.

Disciplinary Procedures for Student Violators of Alcohol Policy

Students may not possess, purchase or consume alcoholic beverages unless they are of legal age as defined by the State of Maryland for purchase, possession or consumption of such beverages. Any violation of the University's Alcoholic Beverages Policy shall be construed as a violation of this section. The University policies are designed to minimize the risks associated with the consumption of alcohol, to reflect the needs of the entire University community and to uphold the law. The following sanctions may be imposed for violations of Improper Possession, Use and/or Abuse of Alcohol.

First Offense: Mandatory attendance at, and participation in, an alcohol education program. A three-page paper written by the student on the information gained from the educational program as well as a \$25.00 Alcohol Education Fine to the student for this program and a \$75.00 Judicial Programs Fine will be assigned. Student's parent(s) or guardian will be notified by mail of the violation.

Second Offense: Mandatory attendance at, and participation in, a substance abuse and education program offered. A three page paper written by the student on the information gained by the program as well as a \$50.00 Alcohol Education Fine to the student for this program and a \$100.00 Judicial Programs fine will be assigned. In addition, there will be one semester of disciplinary probation. Student's parent(s)/guardian will be notified by mail of the violation.

Third Offense: Minimum of one year additional disciplinary probation, plus a \$100.00 Alcohol Education Fine and a \$100.00 Judicial Program Fine will be assigned. In addition, a third violation may result in housing contract cancellation and removal from University housing, or suspension from the University. Student's parent(s)/guardian will be notified by mail of the violation.

Fourth Offense: Recommendation that the student be suspended from the University.

Administration of Policy

This policy will be distributed annually to all employees and students taking one or more classes for any type of academic credit except for continuing education units. This policy will be reviewed by the University on a regular basis to determine its effectiveness and implement changes if they are needed, and to ensure that sanctions of student conduct are consistently enforced.

A person who manufactures, distributes, dispenses or possesses with the intent to distribute a controlled substance dangerous substance in, on, or within 1000 feet of an elementary or secondary school will be subject to an additional term of not more than 20 years or a fine of not more than \$20,000 or both for a first offense, and a term for not less than 5 or more than 40 years or a fine of not more than \$40,000 or both for a second offense. [Art. 27, 286D, Ann. Code of MD (1992)]

Policy and Procedures on Sexual Assault

University of Maryland System Policy on Sexual Assault

I. Purpose and Applicability

The University of Maryland System and its constituent institutions adopt this policy on sexual assault, consistent with the requirements of (i) Section 484(F) of the Higher Education Act of 1965, as amended by Section 486(c)(2) of the Higher Education Amendments of 1992, and (ii) Section 11-601 of the Education Article of the Annotated Code of Maryland. This policy applies to all students and employees, both faculty and non-faculty, of the University of Maryland System or its constituent institutions.

II. Definitions

The following policy recognizes two levels of sexual assault:

Sexual Assault I

By stranger or acquaintance, rape, forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening with any object. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

Sexual Assault II

By stranger or acquaintance, the touch of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them) or forcing an unwilling person to touch another's intimate parts. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

III. Responsibilities of the Chief Executive Officer

Each Chief Executive Officer of a constituent institution shall have the following responsibilities pursuant to this policy: (i) identification of the person responsible for coordinating the constituent institution's educational program to promote awareness of sexual assault; (ii) identification of the person who will serve as the initial contact after an alleged sexual assault has occurred; and (iii) adoption of procedures to be followed should a sexual assault occur, including the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.

IV. Educational Programs to Promote Awareness of Sexual Assault

Each institution in the University of Maryland System shall make available to its students, faculty and employees programs to promote awareness of what constitutes sexual assault, how to prevent it, and what the institution's procedures are for handling reports of alleged sexual assault. In addition to general educational programs for the campus community, each institution shall provide specialized training on the topic of sexual assault and the provisions of sexual assault procedures to those individuals who might be involved in providing services to or interacting with alleged victims so as to ensure timely, accurate and sensitive assistance to all concerned. The UMS policy, together with the institution's procedures concerning sexual assault, shall be distributed to all students, faculty members and employees and shall be posted in appropriate locations at the institution and published in appropriate institution and system publications.

V. Off-Campus Reporting of Sexual Assaults

When a report of sexual assault is made to the institution's initial contact, that person will encourage the alleged victim to contact law enforcement and medical personnel as soon as possible following the incident to receive guidance in the preservation of evidence needed for proof of criminal assaults and the apprehension and prosecution of assailants. Campus authorities will assist in notification of off-campus authorities at the request of the alleged victim.

Additionally, campus personnel retain the right to contact law enforcement personnel directly where an issue of campus security is involved. Campus personnel will also assist the alleged victim in obtaining medical attention, if the victim chooses, including providing transportation to the hospital or other emergency medical facility. Each institution shall designate one or more nearby hospitals which are equipped with the Maryland State Police sexual assault evidence collection kit.

VI. Campus Disciplinary Procedures

1. Student Disciplinary Procedures

a. In addition to any criminal or civil remedies available under the law, any act of sexual assault is a violation of this University of Maryland Policy on Sexual Assault and is subject to Disciplinary proceedings under the institution's judicial system. The range of judicial system penalties for students shall include, but not be limited to, one or more of the following: alteration of class schedule, disciplinary reprimand, loss of privilege, restitution, Disciplinary probation, Disciplinary suspension, Disciplinary dismissal, and Disciplinary expulsion.

b. The on-campus procedures shall provide (1) the accuser and the accused are afforded the same opportunities to have others present during a campus disciplinary proceeding; (2) both the accuser and the accused are informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault; and (3) the offense must be reported according to federal reporting mandates and Maryland state law.

2. Faculty and Employee Disciplinary Procedures

In addition to any criminal or civil proceedings available under law, any act of sexual assault is a violation of this University of Maryland System Policy on Sexual Assault and is subject to appropriate faculty and employee Disciplinary procedures. The range of employment penalties for faculty and employees shall include, but not be limited to, one or more of the following: counseling, suspension, or termination of employment.

VII. Services for Victims

Faculty, employees and students who are victims of sexual assault shall be offered access to counseling through mental health services available at the institution, other victim service entities in the surrounding community, or the nearest state designated rape crisis program. Each institution shall designate existing counseling, mental health and student services, both on campus and in the community, which are available to victims of sexual assault.

After a sexual assault has been reported at the institution, and upon the request of the alleged victim, the victim shall be offered an alternative academic, living or employment situation if such alternative is available, feasible, and appropriate to the facts of the sexual assault reported.

VIII. Implementation and Reporting Procedures

Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; and shall forward a copy of such designations and procedures and any subsequent changes in such designations and procedures to the Chancellor. Institutional procedures that are part of this policy are on file in the Office of the Chancellor.

Frostburg's Procedures for Implementing the USM Policy

A. Procedures to Follow if Sexual Assault Occurs

1. Immediate steps for self-care and safety:

Immediately after the assault you may be in a state of shock. Usually, your first reaction will be to take a bath or shower. Please don't. Instead, wrap yourself in something warm such as a blanket or coat. Call someone to help you immediately. We recommend that you call the University Police at 301.687.4222 for an initial contact. Victims react to this state of shock in different ways; some are upset, angry or calm. Whatever your reaction, you may be able to make better decisions by talking to someone you trust or someone trained, instead of responding to your initial feelings immediately after the crime. Staying warm, instead of cleaning up right away, will help you accomplish two important things: (1) you will be helping your body to recover from the shock due to the assault; and (2) you will not have disturbed or destroyed any evidence needed if you decide to prosecute. It is extremely important that you:

DO NOT

- * shower or bathe
- * brush or comb your hair
- * douche
- * urinate (if possible)
- * change clothes
- * eat or drink anything
- * brush or rinse your teeth or smoke
- * touch things at the crime scene

DO

- *get to a safe place
- *call the police for help
- *lock doors and windows
- *keep warm
- *get medical attention
- *write down all you can remember
- *take a change of clothing to the hospital or sexual assault center;
- *if you must change your clothes, put them in a paper bag to give to the police (plastic destroys evidence).

2. Seek Medical Assistance

It is very important that you see a doctor as soon as possible after a sexual assault. A medical exam serves two purposes: it ensures that you receive whatever medical aid you need and available physical evidence can be collected. The University Police or Dr. Jesse Ketterman will also assist the victim in obtaining medical attention if the victim chooses, including providing transportation to the hospital or other emergency medical facility.

B. Victim Services

1. Western Maryland Sexual Assault Center

The Rape and Sexual Assault Center for the area is located at Western Maryland Health Systems (301.723.4100) in Cumberland is a 24-hour service providing medical care, evidence collection and counseling services. A medical examination is always recommended even if you decide not to officially report the crime. It may be a good idea

to have evidence collected initially in case you do decide to take legal action at a later date.

2. Brady Health Center

Brady Health Center (301.687.4310) provides non-emergency health care, preventative STD treatment, serial STD exams, contraception, pregnancy testing and ongoing follow-up care as needed. Evidence collection would need to be done at Western Maryland Regional Medical Center.

3. Family Crisis Resources Center, Inc.

The Family Crisis Resources Center (301.759.9244) is located in Cumberland and provides free, 24 hour support services for victims of rape, sexual assault and domestic violence. The outreach office in Frostburg is located at 62 Meshach Frost Village and can be contacted by phone at 301.689.6890.

4. Counseling and Psychological Services

Counseling and Psychological Services (301.687.4234) provides individual and group counseling for victims of sexual assault, sexual abuse and incest.

5. Student and Educational Services

Students who report they are victims of a sexual assault are encouraged to contact the Office of Student and Educational Services (301.687.4311) for assistance in changing academic and living situations. Appropriate changes will be made as are reasonably available.

C. Victim Complaint

If the accused is an employee, a victim may file a complaint for internal disciplinary action with the vice president of the division in which the accused is employed.

If the accused is a student, the University student conduct administrator in the Office of Student and Educational Services (301.687.4311) is responsible for student conduct. A sexual assault victim, University Police or any member of the University community may file a complaint with the University Code of Conduct System.

Inquiries concerning Title IX may refer to the University's Title IX Coordinator or the Office of Civil Rights.

D. Disciplinary Procedures

Disciplinary Procedures for sexual assault will be conducted through the established hearing procedures as described in the University Standards of Personal and Group Conduct. For additional information regarding the hearing process, see the Hearing Panels section on page 15 and Hearing Procedures on page 16.

Education Coordinator

The person responsible for coordinating educational programming to promote awareness of sexual assault for students and employees is the Dean of Students, Dr. Jesse Ketterman, who is located in Hitchins 116 and may be contacted at 301.687.4311.

Initial Contact Person

The initial contact person for reporting sexual assault victims is the Chief of Police who is located in the Police Building and may be contacted at 301.687.4328. The Chief will assist students and employees in obtaining appropriate services.

Title IX Coordinator

The Title IX Coordinator is Beth Hoffman, Director of Compliance, ADA/EEO (309 Hitchins, 301.687.4102). The coordinator's responsibilities include overseeing complaints of sex discrimination and identifying and addressing any patterns or systemic problems

Sexual Harassment Policy

The Frostburg State University Community is committed to maintaining a working and learning environment in which students, faculty and staff can develop intellectually, professionally, personally and socially. Sexual harassment is inconsistent with maintaining such an environment and is a form of discrimination prohibited by federal and state law. The position of this university is that sexual harassment within the campus community will not be tolerated.

By law, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1.Submission to such conduct is made explicitly or implicitly a term or condition of an individual's educational or career advancement;
- 2.Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's career or educational advancement; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile or offensive employment or educational environment.

Sexual harassment includes a variety of behaviors and may occur within a variety of relationships, including relationships between persons of the same or different genders or persons of equal or unequal power. For example, sexual harassment may be as undisguised as a direct solicitation of sexual favors or solicitation accompanied by overt threats. Harassment may also be implied by unwelcome physical contact; sexual remarks about a person's clothing, body or sexual relations; conversations or jokes and stories of a sexual nature; or the display in the work place or use in the classroom of sexually explicit materials which are inappropriate or without defensible educational purpose. Such acts are more likely than not to result in allegations of sexual harassment. In assessing whether a particular act constitutes sexual harassment forbidden under this policy, the rules of common sense and reason shall prevail. The standard shall be the perspective of a reasonable person within the campus community.

Members of the university community with personal knowledge of incidents of harassment are encouraged and university employees are required to report such knowledge to the Director of Affirmative Action/Equal Employment Opportunity.

All allegations of sexual harassment will be expeditiously, thoroughly and confidentially investigated following the Office of ADA/EEO Allegation of Discrimination/Harassment Procedures. The rights of both the alleged offender and the offended will be protected, including protection from retaliation. Frivolous or false reports of sexual harassment will

be treated as seriously as the offense itself. Sanctions for sexual harassment may vary from reprimand to termination of employment or dismissal from the University. In addition, an individual may be criminally prosecuted for sexual harassment.

The University's commitment to maintaining a learning environment in which the intellectual, professional, personal and social development of members of the campus community is assured requires that all members of the community adhere to ethical and professional standards of conduct, as well as to legal standards.

Therefore, consenting romantic or sexual relationships between faculty or staff member and student or between supervisor and employee, while not expressly forbidden, are generally deemed very unwise. Power differences between faculty and students or between supervisors and supervisees make the subordinate's voluntary consent to even an apparently consensual relationship questionable. Sexual relationships between a professor or supervisor and a subordinate may result in conflicts of interest or raise questions of favoritism. Wherever a power differential exists between persons who are romantically or sexually involved, the parties must realize that if a charge of sexual harassment is subsequently lodged, mutual consent will not necessarily be accepted as a reasonable defense.

Health and Life Safety Policy Statement

Frostburg State University considers its students, staff and faculty to be among its most important and valuable assets. FSU seeks to protect human and physical resources by reducing and eliminating all potential health and physical hazards. Increasing the awareness of hazards and encouraging the use of common sense will assist students, staff and faculty in conducting study, work and campus activities safely. Frostburg State University recognizes its responsibility for providing its students, staff, and faculty with a safe and healthy environment and is committed to meeting its obligations under federal and state laws.

Safety cannot be the responsibility of any one person. All students, staff and faculty are responsible for reporting all potential health and safety hazards to one of the following departments: Residence Life Office (X4121); the Office of Human Resources Safety Office (X4897), or the Physical Plant Department (X4125).

STUDENT: All students shall comply with the fire safety requirements listed in the Residence Hall Guide. The guide requires students to understand that all life safety equipment including, but not limited to, smoke detectors, fire alarm pull stations, bells, horns, gongs, visual strobe lights, and fire doors in the halls are for their immediate safety during an emergency. Compliance with these fire safety requirements is the responsibility of students living on campus. Other health, safety and fire prevention guidelines are noted throughout the Policy Statement Manual/*Pathfinder*.

When a student is concerned with what they deem a potential health, safety, fire or environmental hazard, they should immediately call the Office of Human Resources Safety Office at x4897. If the situation is an immediate health or security related matter, the student should immediately call the University Police at x4222.

Fire evacuation drills are scheduled and conducted in compliance with the State Fire Code and the National Fire Protection Association Life Safety 101 Code.

STAFF: Each employee has an individual responsibility to report all unsafe and potential

hazards to their immediate supervisor. Learning and complying with all current Occupational Safety and Health Administration Standards and Maryland Occupational Safety and Health Standards are a part of the initial employment agreement. Fostering a safe work place is the responsibility of the employee and the supervisor on a daily basis. The employees are to follow the fire evacuation procedures during the activation of all building fire alarm systems. The Safety Office distributes fire evacuation procedures each semester. Copies of current safety standards and evacuation procedures are available by calling X4897.

FACULTY: Each member of the faculty has an individual responsibility to insure a safe work place and to comply with current safety standards. Fire evacuation procedures shall be complied with during the activation of all building fire alarm systems. During the evacuation of a building, the faculty member shall be responsible for the orderly evacuation of all students within their immediate classroom or lab. It is the responsibility of the faculty members to instruct the students in the proper use of personal protective equipment during classroom and lab procedures when required. The Office of Human Resources-Safety Office distributes fire evacuation procedures on a yearly basis. Copies of current safety standards and evacuation procedures are available by calling X4897.

Frostburg State University's first priority is to the health and well-being of all employees and students. To achieve this goal, compliance with standards from the Federal Environmental Protection Agency and the Maryland Department of the Environment is crucial. A healthier and cleaner environment is not the responsibility of one person, one department or one division. Maintaining a balance with the environment is the responsibility of each Frostburg State University employee and student.

Sex Offender Registry

The Campus Sex Crimes Prevention Act is designed to make campus communities aware of sex offenders in their midst, just as "Megan's Law" does for non-campus, residential communities. In Maryland, a sex offender registry is maintained by the Department of Public Safety. You can access it at:

<http://www.dpscs.state.md.us>

or by clicking on the link at the University Police web page,

<http://www.frostburg.edu/admin/police>.

The linked page gives a full explanation of the use to which the sex offender registry can be put, as well as some cautionary advice.

Campus Security Act Disclosure Statement

Frostburg State University's idyllic setting, attractive facilities and sense of community combine to make campus crime a seemingly very remote concern. While our crime rates are indeed very low, crime can and sometimes does occur.

The information that follows is intended to advise the campus community, as well as prospective members of the campus community, of Frostburg State University's general security policies, crime occurrences, arrest data and crime prevention programs. This disclosure is required of all colleges and universities receiving federal student aid funds. The crime rate information and arrest data are presented in the fashion prescribed by law, making for easy comparison with the disclosure statements of other institutions. I think you will find Frostburg State University to be in a very favorable position, and I urge you to join the many other individuals and departments on campus that continually strive to make Frostburg State University the safest place it can be.

Cynthia Smith
Chief of Police

Police Services at FSU

The University maintains a police force of 17 sworn officers. Each officer meets or exceeds the certification standards of the Maryland Police Training Commission. In-service training is an ongoing procedure, and officers receive training in topics such as rape and sexual assault, the handling of racial-religious-ethnic incidents, first-aid, firearms, search and seizure, defensive tactics, etc.

University Police Officers have the same law enforcement authority and responsibilities as the police or sheriff's department in your hometown. With certain exceptions, that authority is limited to the campus grounds.

Officers are responsible for a full range of public safety services, including first-aid, motorist assistance, emergency messaging, traffic control, crime prevention, and fire scene first responder. Law enforcement responsibilities encompass the entire criminal code of Maryland, including decriminalized offenses such as underage drinking.

A civilian support staff assists the police officers, as do student employees who function as dispatchers, parking aides, and security assistants.

University Police Officers operate from a campus-centered philosophy and handle most incidents without outside assistance. The Combined Countywide Criminal Investigation unit supplies crime lab, polygraph and other advanced investigative services. The Frostburg City Police monitor and share information regarding crimes and offenses on adjacent public property and by off-campus student groups. Additional information and assistance is furnished by the Maryland State Police and the Allegany County Sheriff's Department on a case-by-case basis.

How, When and Why to Call the Police

The University Police emergency telephone number is 301.687.4222. You may also contact the police by means of one of the several emergency telephones on campus. A police officer or a police communications officer will answer your call 24 hours a day, every day of the year. Anonymous crime information can also be submitted to Allegany County Crime Solvers at 301.722.4300, or to our Tip Line, 301.687.STOP (7867).

The University Police Department depends on and encourages active community involvement. We promise to treat all crime victims with dignity and respect and to offer assistance and support throughout the criminal justice process. The sooner we are notified of dangerous conditions, criminal activity or suspicious behavior or conditions, the higher the likelihood of a successful resolution to the problem.

Examples of situations that should be immediately reported to the police are:

- any criminal activity that you observe or are a victim of;
- any injury to a person or animal;
- fire, smoke, or other indication of a possible fire;
- suspicious sounds such as breaking glass, screams, explosions, gunfire;
- display of weapons: firearms, knives, martial arts weapons, fireworks, or archery equipment;
- physical security deficiencies: broken locks, doors, windows, light bulbs that are missing or broken;
- strangers in your work or living area, especially if they are carrying items out, or if they offer items for sale at unusually low prices;
- people loitering in lounges, halls or parking lots;
- people removing items from a vehicle and leaving in a second vehicle;
- information regarding drug use or trafficking.

The list of reportable activities or conditions could be made much longer. The important thing to remember is to trust your instincts and to notify University Police if you are at all suspicious. You may also report crime to other university administrators or employees with significant responsibility for student and campus activities. Examples of such campus security authorities are any member of the Executive Committee, the Affirmative Action/Equal Opportunity officer, Residence Life professional or hall staff, Lane Center professional staff, or any other member of the professional staff of the Vice President for Student and Educational Services, excepting professional counselors acting as such. Similarly, the Director of Athletics, a team coach, or a faculty advisor to a student group may receive reports of crime on campus. Crimes reported to alternate university security authorities may be made on an anonymous basis, and will be reported in the university's annual statistical disclosure as unverified, good faith reports.

For immediate response with the highest likelihood of a positive outcome, the University Police recommend that they be the primary contact point. If you call University Police, try to remain calm. Stay on the telephone until the dispatcher tells you to hang up, unless you are in immediate danger. You will be asked a number of questions, including:

- *your name*
- *the circumstances you are reporting*
- *the location of the incident*
- *when it happened*
- *who is involved*
- *other questions pertinent to the type of incident you are reporting*

Have the following descriptive information ready if you can:

PERSONS

name
age
race/sex
height/weight
clothing

AUTOS

license number/state
make/model
color
outstanding characteristics
number of occupants

Crime Awareness and Prevention Programs

Frostburg State University's low crime rate is due in large part to the efforts made to prevent crime from taking place. FSU was the recipient of the Governor's Crime Prevention Award in 1987, and annually since 1990.

Crime advisories are published in the student newspaper, and other alerts will be published, if necessary, on the university's computer network and in residence halls, parking lots, etc. These "timely warnings" are issued based on the professional judgment and experience of the police management staff and/or the respective Vice Presidents. A daily log of reported crime is open for public inspection.

The following prevention and deterrence programs are available upon request:

Operation Identification. You may borrow an engraver to mark your personal property and will be given a form to record the description and serial numbers of your property. In the event of theft, the descriptive information will be entered into a national stolen property data base.

Security Surveys. A University Police Crime Prevention Officer will visit any campus residence, office or class area and make procedural or physical security recommendations based on proven crime prevention techniques and the officer's advanced training.

Group Presentations. Police specialists will make group presentations on the subjects of drug and alcohol abuse, rape and sexual assault prevention, and general crime prevention. Recent presentations have been made in the classroom, the residence halls, and for the media. Forty-eight presentations were made during the past academic year.

Personal Escorts. Police officers are available to provide on-campus escorts for anyone who is concerned about his or her physical safety.

Tip Line 301.687.STOP. FSU has a tip line for students, faculty, staff and members of the community to use anonymously to provide information about crimes, disturbances or concerns. Upon calling the tip line, the caller will hear recorded instructions and be directed to leave a message containing the information they wish to share.

Security and the Physical Plant Department

The Physical Plant Department maintains university buildings and grounds with a concern for safety and security. It inspects campus buildings regularly, promptly makes repairs effecting safety and security and responds to reports of potential safety and security hazards such as broken windows or locks. University Police assists Physical Plant personnel by formally inspecting campus buildings on a quarterly basis. Repairs and improvements are done on a work order basis, except in emergency situations. Faculty and staff may submit work orders through their departments. Student work orders are initiated in the Residence Life Office.

Facility Access Policies

Most university facilities are open to the public during the day and evening hours when classes are in session. Hours of operation differ slightly for different programs and facili-

ties, but most close by 11:00 p.m. During times that the university is officially closed, campus buildings are generally locked and only faculty, staff and some students with proper authorization are admitted. Residence halls are locked 24/7 when classes are in session. Access is by key or ID card.

Statistical Report

The disclosure of crime statistics is not a recent development at FSU. The University Police Department submits a monthly Uniform Crime Report to the Maryland State Police, and has done so since 1967. The following charts reflect the number of crimes and arrests for the past three years. None are hate or bias related. Crime and arrest data are compiled by the University Police Department from their own records and those of allied police agencies, and by canvassing other campus security authorities.

YEAR	ON CAMPUS PROPERTY	*RESIDENTIAL FACILITIES	NON CAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
CRIMINAL OFFENSES					
MURDER/NON-NEGLIGENT MANSLAUGHTER					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
NEGLIGENT MANSLAUGHTER					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
SEX OFFENSES, FORCIBLE					
2010	3	2	0	0	3
2009	0	0	0	0	0
2008	2	2	0	0	2
SEX OFFENSES, NON-FORCIBLE					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
ROBBERY					
2010	0	0	0	0	0
2009	1	1	0	0	1
2008	2	1	0	0	2
AGGRAVATED ASSAULT					
2010	0	0	0	1	1
2009	0	0	0	0	0
2008	1	1	0	0	1
BURGLARY					
2010	15	15	0	0	15
2009	15	13	0	0	15
2008	21	16	0	0	21
MOTOR VEHICLE THEFT					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	1	0	0	0	1
ARSON					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0

YEAR	ON CAMPUS PROPERTY	*RESIDENTIAL FACILITIES	NON CAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
HATE CRIMES					
MURDER/NON-NEGLIGENT MANSLAUGHTER					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
NEGLIGENT MANSLAUGHTER					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
SEX OFFENSES, FORCIBLE					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
SEX OFFENSES, NON-FORCIBLE					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
ROBBERY					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
AGGRAVATED ASSAULT					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
BURGLARY					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
MOTOR VEHICLE THEFT					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
ARSON					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
SIMPLE ASSAULT					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
LARCENY-THEFT					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
INTIMIDATION					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0

YEAR	ON CAMPUS PROPERTY	*RESIDENTIAL FACILITIES	NON CAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
ARRESTS					
WEAPONS: CARRYING/POSSESSION					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	1	0	0	0	1
DRUG ABUSE VIOLATIONS					
2010	57	44	0	0	57
2009	32	18	0	1	33
2008	36	26	0	1	37
LIQUOR LAW VIOLATIONS					
2010	71	57	0	14	85
2009	72	47	0	14	86
2008	85	59	0	16	101
DISCIPLINARY ACTIONS					
WEAPONS: CARRYING/POSSESSION					
2010	0	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
DRUG LAW VIOLATIONS					
2010	12	5	0	0	12
2009	13	13	0	0	13
2008	15	14	0	0	15
LIQUOR LAW VIOLATIONS					
2010	94	91	0	0	94
2009	73	73	0	4	77
2008	136	134	0	0	136

*Crimes reported in the Residential Facilities column are duplicated in the On Campus Category

FIRES**	2010		
	FIRES	INJURIES	DEATHS
ALLEN HALL	0	0	0
ANNAPOLIS HALL	0	0	0
CAMBRIDGE HALL	0	0	0
CUMBERLAND HALL	0	0	0
DIEHL HALL	0	0	0
EDGEWOOD COMMONS	0	0	0
FREDERICK HALL	0	0	0
FROST HALL	0	0	0
GRAY HALL	0	0	0
SOWERS HALL	0	0	0
SIMPSON HALL	0	0	0
WESTMINSTER HALL	0	0	0

**Additional information regarding fire safety will be available of the University website: www.frostburg.edu

Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act

Disclosure Statement for the University System of Maryland Hagerstown

The Jeanne Clery Act of 1990 requires that students and employees of the University System of Maryland Hagerstown (USMH) be informed of campus crime rates and of university policies relating to safety and security. This disclosure statement is in compliance with that act.

Police Services. The Hagerstown Department of Police is the primary response unit for any crimes which may occur in or near USMH. They may be reached at 911, 301.739.6000 (emergency) or 301.790.3700 (non-emergency). Police personnel of the Hagerstown Department of Police meet or exceed the training requirements of the Maryland Police Training Commission. They will provide initial police response, as well as specialized follow-up. A sub-station of the Hagerstown Department of Police is located on the first floor of the USMH Center, on the west end of the building. It is staffed by members of the Downtown Patrol, although there is not an officer at present at all times.

Crimes or offenses, including sex offenses, may also be reported to the director of the USMH at 240.527.2727.

Crime Awareness and Prevention Programs. Students and employees should take reasonable steps to promote their own safety. Crime advisories will be circulated to students, faculty and staff on an as-needed basis, based on the professional judgment of USMH administrators, the Hagerstown Police, and/or the Frostburg State University Police. Crime prevention presentations can be arranged through the Hagerstown Police, or the FSU University Police. For further information, or to arrange a crime prevention presentation, call Cynthia R. Smith, FSU Chief of Police at 301.687.4223.

Timely Warnings. In the event that a situation arises at USMH, or on adjacent public property, that, in the judgment of USMH administration and/or local police, constitutes an ongoing or continuing threat, a “timely warning” will be issued to the students, faculty and staff of USMH. Timely warnings will be issued in print form and posted conspicuously near building entrances.


Facility Security. Physical security problems such as doors or windows that need adjustment should be reported to the Security Desk in the main lobby.

Facility Access Policies. USMH operational hours are from 9:00 am to 10:00 pm, Monday through Thursday. On occasion, classes extend to 11:00 pm. Friday hours are from 9:00 am to 5:00 pm. Saturday classes are held from 9:00 am to 2:00 pm. There is a reception area that is staffed by a private security firm. Video surveillance of all entrances is conducted during operational hours.

Drug and Alcohol Policies and Programs. USMH does not condone possession, use or distribution of controlled substances or drug paraphernalia. Alcoholic beverages may only be possessed or consumed in a manner consistent with Maryland state law. Anyone in violation of Maryland state law with regard to either drugs or alcohol is subject to disciplinary action and possible arrest, fine or imprisonment. In addition to state restrictions on the possession or consumption of alcoholic beverages, USMH restrictions may apply as well. USMH alcohol and drug policies will be made available to all students and employees upon final approval.

Drug or alcohol services are not offered directly by USMH. Local agencies should be consulted. The Washington County Health Department may be contacted at 301.791.3314 for either drug or alcohol information, or for referral to other community resources.

Sex Offender Registry. The Campus Sex Crimes Prevention Act is designed to make campus communities aware of sex offenders in their midst, just as “Megan’s Law” does for



non-campus, residential communities. In Maryland, a sex offender registry is maintained by the Department of Public Safety. It may be accessed at: <http://www.dpssc.state.md.us> . The linked page gives a full explanation of the use to which the sex offender registry can be put, as well as some cautionary advice.

2010 : No Reportable Crimes at the USM-H, 32 W. Washington St., Hagerstown, Md.

Emergency Student Notification Policy

University Police (301.687.4223) should be contacted if a student has been missing for 24 hours or if there is suspicion a student is missing, regardless of the time that has elapsed. Within 24 hours of the determination by University Police that the student is missing, the University will notify the emergency contact indicated by the student. Students should maintain accurate emergency contact information in PAWS which identifies an individual the University will notify if the student is missing. In addition to an individual indicated as the emergency contact, the parent or guardian will also be notified if the student is under 18. Emergency contact information will be available to campus officials and law enforcement personnel in the event of a missing person investigation, or if otherwise authorized by a law enforcement investigation.

Emergency Response and Evacuation Procedures

The emergency response and evacuation procedures are available on the University website at www.frostburg.edu/admin/policies/crisismanagementplan.pdf. A printed copy is available at the Office of Student and Educational Services, 116 Hitchins Building.



**STUDENT & EDUCATIONAL SERVICES
FROSTBURG STATE UNIVERSITY
101 BRADDOCK ROAD
FROSTBURG, MD 21532-2303**