

Personnel Register

Personnel information current as of 5/1/10.

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USM Bylaws, Policies and Procedures of the Board of Regents

Policy on Student Classification For Admission and Tuition Purposes

(Approved by the Board of Regents August 28, 1990; Amended July 10, 1998; Amended November 27, 2000; Amended April 11, 2003; Amended June 23, 2006; Amended February 15, 2008)

I. POLICY

A. Purpose

To extend the benefits of its system of higher education while encouraging the economical use of the State's resources,¹ it is the policy of the Board of Regents of the University System of Maryland (USM) to recognize the tuition categories of in-state and out-of-state students for the purpose of admission and assessing tuition at USM institutions.

B. Burden of Proof

The person seeking in-state status shall have the burden of proving by clear and convincing evidence that he or she satisfies the requirements and standards set forth in this Policy. Assignment of in-state or out-of-state status will be made by the applicable USM institution upon a review of the totality of facts known or presented to it.

C. In-state Status

To qualify for in-state tuition, a student must demonstrate that, for at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status, the student had the continuous intent to:

1. Make Maryland his or her permanent home; and
2. Abandon his or her former home state; and
3. Reside in Maryland indefinitely; and
4. Reside in Maryland primarily for a purpose other than that of attending an educational institution in Maryland.

Satisfying all of the requirements in Section II (and Section III, when applicable) of this policy demonstrates continuous intent and qualifies a student for in-state tuition. Students not entitled to in-state status under this policy shall be assigned out-of-state status for admission and tuition purposes.

D. Presumption

Either of the following circumstances raises a presumption that the student is residing in the State of Maryland primarily for the purpose of attending an educational institution and therefore, does not qualify for in-state status under this policy:

1. A student is attending school or living outside Maryland at the time of application for admission to a USM institution, or
2. A student is Financially Dependent on a person who is not a resident of Maryland.

This presumption may be rebutted. The student bears the burden of rebutting the presumption. See "III. Rebuttal Evidence" below.

II. REQUIREMENTS

Before a request for classification to in-state status will be considered, a student must comply with all of the following requirements for a period of at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status. The student must demonstrate he or she:

- A. Owns or possesses, and has continuously occupied, including during weekends, breaks and vacations, living quarters in Maryland. The student must provide evidence of a genuine deed or lease and documentation of rent payments made. In lieu of a deed or lease, a notarized affidavit from a landlord showing the address, name of the student as occupant, term of residence, and history of rent payments made will be considered. As an alternative, a student may demonstrate that he or she shares living quarters in Maryland which are owned or rented and occupied by a parent, legal guardian or spouse.
- B. Has substantially all of his or her personal property, such as household effects, furniture and pets in Maryland.
- C. Has paid Maryland income tax on all taxable income including all taxable income earned outside the State and has filed a Maryland tax return.

- D. Has registered all owned or leased motor vehicles in Maryland.
- E. Possesses a valid Maryland driver's license, if licensed.
- F. Is registered to vote in Maryland, if registered to vote.
- G. Receives no public assistance from a state other than the State of Maryland or from a city, county or municipal agency other than one in Maryland.
- H. Has a legal ability under Federal and Maryland law to live permanently without interruption in Maryland.
- I. Has rebutted the presumption that he or she is in Maryland primarily to attend an educational institution, if the student's circumstances have raised the presumption.

III. REBUTTAL EVIDENCE

Satisfying the requirements listed in paragraphs A through I of Section II, does not rebut the presumption that a student is in Maryland primarily to attend an educational institution. To overcome the presumption, a student must present additional evidence.

To determine a student's intent, the University will evaluate evidence of a student's objectively verifiable conduct. Evidence that does not document a period of at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status is generally considered an unfavorable factor under this policy. Evidence of intent must be clear and convincing and will be evaluated not only by the amount presented but also based upon the reliability, authenticity, credibility and relevance of the evidence.

The absence of objective, relevant evidence is generally considered an unfavorable factor. A student's statement of intent to remain in Maryland in the future is generally not considered to be objective evidence under this policy.

Additional evidence that will be considered includes, but is not limited to, the following:

- A. Source of financial support:
 1. Maryland employment and earnings history through sources beyond those incident to enrollment as a student in an educational institution e.g., beyond support provided by work study, scholarships, grants, stipends, aid, student loans, etc., (Tuition costs will be considered as a student expense only to

the extent tuition exceeds the amount of any educational scholarship, grant, student loan, etc.), or

2. Evidence the student is Financially Dependent upon a person who is a resident of Maryland.
- B. Substantial participation as a member of a professional, social, community, civic, political, athletic or religious organization in Maryland, including professionally related school activities that demonstrate a commitment to the student's community or to the State of Maryland.
- C. Registration as a Maryland resident with the Selective Service, if male.
- D. Evidence showing the student uses his or her Maryland address as his or her sole address of record for all purposes including on health and auto insurance records, bank accounts, tax records, loan and scholarship records, school records, military records, leases, etc.
- E. An affidavit from a person unrelated to the student that provides objective, relevant evidence of a student's conduct demonstrating the student's intent to live permanently in Maryland.

IV. NON-RESIDENTS WHO MAY TEMPORARILY QUALIFY FOR IN-STATE STATUS

In addition, persons with the following status shall be accorded the benefits of in-state status for the period in which they hold such status:

- A. A full-time or part-time (at least 50 percent time) regular employee of USM or a USM institution.
- B. The spouse or Financially Dependent child of a full-time or part-time (at least 50 percent time) regular employee of USM or a USM institution.
- C. A full-time active member of the Armed Forces of the United States whose home of record is Maryland or one who resides or is stationed in Maryland, or the spouse or a Financially Dependent child of such a person. Students that qualify under this provision will retain in-state status for tuition purposes as long as they are Continuously Enrolled regardless of a change in military assignment or status of the active member of the military.
- D. A veteran of the United States Armed Forces with an honorable discharge who, within one year of discharge, presents documentation that he or she attended a secondary school in the State for at least three years, and graduated or received the

equivalent of a high school diploma from a secondary school in the State. The veteran must present documentation and register at a USM institution within one year of discharge for this provision to apply.

- E. For UMUC, a full-time active member of the Armed Forces of the United States on active duty, or the spouse of a member of the Armed Forces of the United States on active duty.
- F. A graduate assistant appointed through a USM institution for the semester/term of the appointment. Except through prior arrangement, this benefit is available only for enrollment at the institution awarding the assistantship.

V. PROCEDURES

- A. An initial determination of in-state status will be made at the time of admission. The determination made at that time, and any determination made thereafter, shall prevail for each semester/term until the determination is successfully challenged in a timely manner.
- B. A change in status must be requested by submitting a USM institution's "Petition for Change in Classification for Tuition". A student applying for a change to in-state status must furnish all evidence that the student wishes the USM institution to consider at the time the petition is due. The due date is based on the deadline set forth by the USM institution at which the student seeks to enroll. If the applicable USM institution has no such deadline, the due date is the last published date to register for the forthcoming semester/term for which the change in classification is sought.
- C. The student shall notify the USM institution in writing within fifteen (15) days of any change in circumstances which may alter in-state status.
- D. In the event incomplete, false, or misleading information is presented, the USM institution may, at its discretion, revoke in-state status and take disciplinary action provided for by the institution's policy. Such action may include suspension or expulsion. If in-state status is gained due to false or misleading information, the institution reserves the right to retroactively assess all out-of-state charges for each semester/term affected.
- E. Each USM institution shall develop and publish additional procedures to implement this Policy. Procedures shall provide that on request the institution President or designee has the authority to waive any requirement set forth in Section II if it is determined that the application of

the requirements creates an unjust result. These procedures shall be filed with the Office of the Chancellor.

VI. DEFINITIONS

- A. Financially Dependent: For the purposes of this policy, a financially dependent student is one who is claimed as a dependent for tax purposes.
- B. Parent: A parent may be a natural parent, or, if established by a court order recognized under the law of the State of Maryland, an adoptive parent.
- C. Guardian: A guardian is a person so appointed by a court order recognized under the law of the State of Maryland.
- D. Spouse: A spouse is a partner in a legally contracted marriage.
- E. Child: A child is a natural child or a child legally adopted pursuant to a court order recognized under the law of Maryland.
- F. Regular Employee: A regular employee is a person employed by USM or a USM institution who is assigned to a State budget line or who is otherwise eligible to enroll in a State retirement system. Examples of categories NOT considered regular employees are graduate students, contingent employees, and independent contractors.
- G. Continuous Enrollment:
 1. Undergraduate Student - An undergraduate student who is enrolled at a USM institution for consecutive fall and spring semesters, until completion of the student's current degree program or unless on an approved leave of absence or participating in an approved program off-campus.
 2. Graduate and Professional - Continuous enrollment for a graduate or professional student is defined by the institution in accordance with program requirement

VI. IMPLEMENTATION

This policy as amended by the Board of Regents on February 15, 2008 shall be applied to all student tuition classification decisions made on or after this date.

¹ *Annotated Code of Maryland, Education Article §12-101.*

FSU Procedure for Residency Status Appeals

Any student who wishes to appeal the decision of residency status previously determined by the Office of the Registrar or the Admissions Office, may do so in writing to the Appeals Board for Residency Status. This board shall consist of representatives designated by the Provost, the Vice President for

Student and Educational Services, and the Vice President for Administration and Finance. The appeal will be reviewed by the board members in the order listed. Only by unanimous agreement of the board members will the decision of the Office of the Registrar or Admissions be overruled. Upon request, the President or designee has the authority to waive any residency requirements if it is determined that the student is indeed a perma-

nent resident and application of the criteria creates an unjust result.

A student desiring to appeal should obtain and submit the University System of Maryland "Petition for Change in Classification for Tuition" through the office that made the original residency status decision, the Office of the Registrar or the Admissions Office.

University Procedures for Review of Alleged Arbitrary and Capricious Grading

Grounds for Grievance

The following procedures implement the University System of Maryland Policy for Review of Alleged Arbitrary and Capricious Grading (BOR III-1.20) and are designed to provide a means for a student to seek review of final course grades alleged to be arbitrary and capricious. In this policy the term *arbitrary and capricious* grading means 1) the assignment of a course grade to a student on some basis other than performance in the course; 2) the assignment of a course grade to a student by unreasonable application of standards different from the standards that were applied to other students in that course; or 3) the assignment of a course grade by a substantial and unreasonable departure from the instructor's initially articulated standards.

Alleging a final grade to have been determined in an arbitrary and capricious manner is the sole ground upon which a student may seek review under these procedures. Since matters within the instructor's sphere of academic judgment — such as choice of instructional and evaluation methods, criteria, and standards for evaluation — are not grounds for grievance, the burden of proving arbitrary and capricious grading by clear and convincing evidence will rest with the student.

How to Undertake a Grade Grievance

Students or faculty who desire additional information about the procedures that follow should contact the Assistant to the Provost.

Stage I: Mediation

A student seeking review for a final grade in a course should make a reasonable effort to confer with the instructor and attempt to resolve the matter informally. If this effort is

unsuccessful, the student approaches the chair of the department offering the course to request mediation of the grade dispute. This action must be taken no later than the 15th class day of the semester subsequent to the term in which the grade was received. The chair will inform the student of the grounds proper to a grade grievance, as stated above. The chair also will review relevant material and consult with the instructor in an effort to resolve the issue of the grade. (If the instructor involved is the chair, the student approaches the senior faculty member in the department to request mediation.)

In cases where a resolution mutually acceptable to the student and the instructor is not forthcoming, and the student wishes to pursue a formal grievance, the student may proceed to Stage II.

Stage II: Formal Grievance

As a precondition to filing a formal grievance, a student must fulfill all of his/her responsibilities and meet the deadline specified in Stage I: Mediation above.

By the end of the 30th class day of the semester, a student wishing to grieve a grade must file a written grievance with the instructor's school dean. This grievance must describe in detail the bases for the allegation that the grade was arbitrary and capricious, and include all evidence supporting that claim. The student must send copies of this statement to the instructor and the chair.

The dean will dismiss the grievance if the student 1) did not participate in Stage I: Mediation and/or meet the deadline specified in Stage I; 2) did not file the Stage II appeal by the stated deadline; 3) does not furnish evidence that the allegations, if true, constitute arbitrary and capricious grading, as defined above; and/or 4) has filed a complaint concerning the same grade with the Office of Affirmative Action/EEO alleging discrimination or sexual harassment.

If the grievance is not dismissed, the dean shall ask the instructor to respond to the grievance in writing within ten class days, addressing the response to the dean and copying the student and the chair. The dean will ask the chair to forward all documentary evidence collected during the mediation stage to the dean.

If the grievance is not dismissed, the dean shall appoint within ten class days a grade grievance committee of three tenured faculty members and shall schedule an informal, non-adversarial grade grievance hearing. The student, the instructor, and the chair will be invited to attend the hearing, and may present relevant evidence. The dean also will attend and may choose to participate in the discussion. In keeping with the informal nature of the hearing, neither the student nor the instructor may be accompanied by a representative or advisor. If the academic records of other students in the grievant's class are relevant to the discussion, the grievant must be excused for that portion of the hearing in order to protect the privacy of other students. At the conclusion of the hearing, the committee shall forward its recommendation to the dean, who may accept, reject or alter the recommendation. The dean shall render a decision to the student in writing, either in support of the original grade or of a grade change. If the dean recommends a grade change and the instructor refuses to change the grade, the dean will vacate and replace the grade in question.

In deciding whether the circumstances justify changing the grade, the dean shall determine whether the grievant has provided clear and convincing evidence of *arbitrary and capricious* grading. Copies of the dean's decision, which shall be final, will be filed with the instructor and the chair.

Student Records Annual Notification

Under the Family Educational Rights and Privacy Act (FERPA), students have certain rights regarding the inspection and disclosure of education records directly related to the student and maintained by the University. These rights include:

1. The right to inspect and review the student's educational records within forty-five (45) days of the day the University receives a request of access. Requests for inspection should be made in writing and directed to the Office of the Registrar.
2. The right to request an amendment of the student's education records if the student believes that they are inaccurate, misleading or otherwise in violation of the student's privacy rights under FERPA. . A request to amend education records must be made in writing and submitted to the Registrar. The request must clearly identify the part of the record the student wants changed and why it should be changed. If the University decides not to amend the record as requested, the University will notify the student of its decision, and if the decision is negative, the procedures for a hearing regarding the request.
3. The right to consent to disclosures by the University of personally identifiable information contained in the student's education records, except to the extent FERPA authorizes disclosure without consent.
The University discloses education records without a student's prior written consent under several exceptions to FERPA, including the exception for disclosure to school officials with legitimate education interests. A school official has a legitimate educational interest if the official needs

to review an education record in order to fulfill professional responsibilities for the University. A "school official" is any person employed by the University in any administrative, supervisory, academic, research or support staff position; any person or company with whom the University has contracted (such as an auditor or collection agent); or any student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

The following categories of information are considered by the University to be directory information and may be disclosed without the student's prior consent unless the student submits a Directory Restrictions Form using PAWS: Name; local, home and email address; local and home telephone number; major field of study; classification; dates of attendance, degrees, honors and awards received; officially recognized activities and sports; weight and height for athletes; and most recent school or educational institution attended.

The Directory Restrictions Form in PAWS can be found using the following path: Student Center>User Preferences>FERPA restrictions>Edit FERPA Directory Restrictions.

Note that directory information may be released to commercial organizations and may be used for solicitation purposes. However, restricting release of directory information will prevent the University from providing such information to prospective employers and other organizations, media, friends and family.

4. A student may permit inspection of education records by parents, guardians or others by completing a Release of Information Form in PAWS on an annual basis. The form can be found using the following path: Student Center>"other academics" drop down box> Release of Information.

Release of Information Forms are purged at the completion of each academic year. If a student wishes to permit inspection of education records for the upcoming academic year, a new form must be completed.

5. The right to file with the U.S. Department of Education a complaint if the student believes that the University has failed to comply with the requirements of FERPA. Complaints may be filed with the Family Policy and Regulations Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC, 20202-5901.

Index

Academic Calendar	iv	Economics	73
Academic Computing	4	Education	73
Academic Probation	25	English	80
Academic Progress Standards.....	16	Foreign Languages and Literature	80
Academic Regulations & Procedures	23	Geography	81
Accreditation	1	Health & Physical Education.....	82
Addictions Counseling	64, 65	History	83
Administration & Supervision	39, 41	Mathematics	84
Admission Requirements	9	MBA	85
Alcohol/Drug Programs	20	Music	85
Americans With Disabilities Act	6	Philosophy	86
Appeals	23	Physics	86
Application for Graduation	25	Political Science	86
Applied Computer Science, M.S. Program	53	Psychology.....	86
Applied Ecology & Conservation Biology, M.S. Program	55, 58	Recreation.....	88
Athletics.....	22	Social Science.....	89
Assistantships	17	Sociology	89
Basic Master's Degree Requirements.....	23	Theatre.....	89
Biological Sciences, M.S. Programs		Course Load	23
Biology Courses	69	Course Numbering	23
Board of Regents of the University of Maryland System	98	Course Repetition	23
Board of Visitors	98	Credit and Course Load	23
Campus Activities	21	Cultural Events	21
Career Services	19	Curriculum & Instruction, M.Ed. Program	39, 43
Certificate Program in Educational Technology	46	Deferred Payment Plans.....	9
Certificate Programs	10, 64	Degree Program Admission.....	9
Charges for Collection of Unpaid Bills	14	Directions to FSU.....	2
Chemistry Courses	71	Disability Support Services	19
Child and Family Counseling Certificate Program	64, 66	Dismissal	25
Children's Center	22	Distance Education	4
Combined B.S. in Accounting/MBA	37	Diversity and Equal Opportunity	6
Computer Science, Master of Science in Applied	53	Driving Times to Frostburg	3
Computer Science Courses	72	Economics Courses	73
Continuous Enrollment Requirement	24	Education Courses	73
Counseling and Psychological Services	19	Educational Technology Certificate Program	46
Counseling Psychology, , M.S. Program.....	61	English Courses	80
Counseling Services	19	Enrollment of Undergraduates in Graduate Courses	11
Course Changes	23	Expenses	13
Course Descriptions.....	69	Facilities	2
Art	69	Faculty	94
Biology.....	69	Fees	13
Chemistry.....	71	Financial Aid	15
Communication Studies	71	Foreign Languages and Literature Courses	80
Computer Science.....	72	French Courses	80

Geography Courses	81	Media and Student Publications	22
Getting to FSU	2	Mission of the University	1
Grade Grievance Policy	101	Music Courses	85
Grading System	23	Non-Degree Status.....	10
Graduate Assistantships	17	Nursing Administration	38
Graduate Certificate Program in Educational Technology	46	Other Instructional Sites	5
Graduate Certificate Programs	10, 64	Payment of Fees	14
Graduate Mission Statement	9	Payment Plans	14
Graduate Program Governance	9	Performing Arts Center	4
Graduate Scholarships.....	18	Personnel Register	91
Graduate Study at FSU	9	Philosophy Courses	86
Graduate Tuition & Fees	13	Physical Education Center	4
Graduation	25, 26	Physical Education Courses	82
Health Courses	82, 88	Physics Courses	86
Health Insurance and Fees	19	Policies.....	99
Health & Physical Education Courses	82	Policy on Compliance With Disability Discrimination Laws	20
Health Services	19	Political Science Courses	86
History Courses	83	Procedures for Review of Alleged Arbitrary and Capricious Grading	101
Housing	20	Provisional Status.....	10
Identification Card	14	Psychology Courses	86
Immunizations	19	Reading M.Ed. Program	39, 48
Independent Study	24	Recreation and Parks, M.S. Program	67
Interdisciplinary M.Ed. Program	39, 47	Refund Policy	15
Inter-Institutional Enrollment	25	Refund Schedules	15
International Student Admission	12	Required Medical Forms.....	19
International Student Application Deadlines	12	Residency Policy.....	101
International Students at FSU	12	Residency Status Appeals	101
Lane University Center	4, 21	Retention of Student Records.....	26
Library	3	Return of Funds for Title IV Financial Aid Recipients.....	16
Loans	15	Room and Board	14
Main Campus	2	Satisfactory Academic Progress Standards for Graduate Students	16
Master of Arts in Teaching - Elementary.....	27	Schedule of Application for Graduation	25
Master of Arts in Teaching - Secondary.....	31	Scholarships	18
Master of Business Administration.....	35	School Counseling, M.Ed. Program	49
Master of Education	39	Senior Citizen Golden Identification Card	11
Master of Science in Applied Computer Science	53	Social Science Courses	89
Master of Science in Applied Ecology & Conservation Biology	55, 58	Sociology Courses.....	89
Master of Science in Biological Sciences	55	Spanish Courses	80
Master of Science in Counseling Psychology.....	61	Special Education, M.Ed. Program	51
Master of Science in Recreation and Parks.....	67	Sports	22
Master of Science in Wildlife/Fisheries Biology.....	55, 60	Student Loans	15
Master's Degree Requirements	23	Student Publications	22
Master's Thesis and Research Paper/Project Registration	24	Student Records Annual Notification	102
Mathematics Courses	84	Student Residency Classification Policy	99
MBA	35	Student Services	19
MBA Courses	85	Students' Rights and Responsibilities	9

Summer School Assistantships.....	17	University Children's Center	5
Teacher Education Report Card	7	University History	8
Testing Program	19	University Programming Council	21
Theatre Courses.....	89	University System of Maryland at Hagerstown	5
The Campus and Its Surroundings	2	University Testing Program	19
Thesis/Research Paper Registration.....	24	Veterans Affairs	20
Time Limitations	26	Wildlife/Fisheries Biology, M.S. Program	55, 60
Transcripts	26	Withdrawal	23
Transfer Credit	25	Women's Studies Resource Center	5
Tuition	13	Writing Services	20
Tuition Waiver	17		

Welcome to Frostburg State University

Office Directory

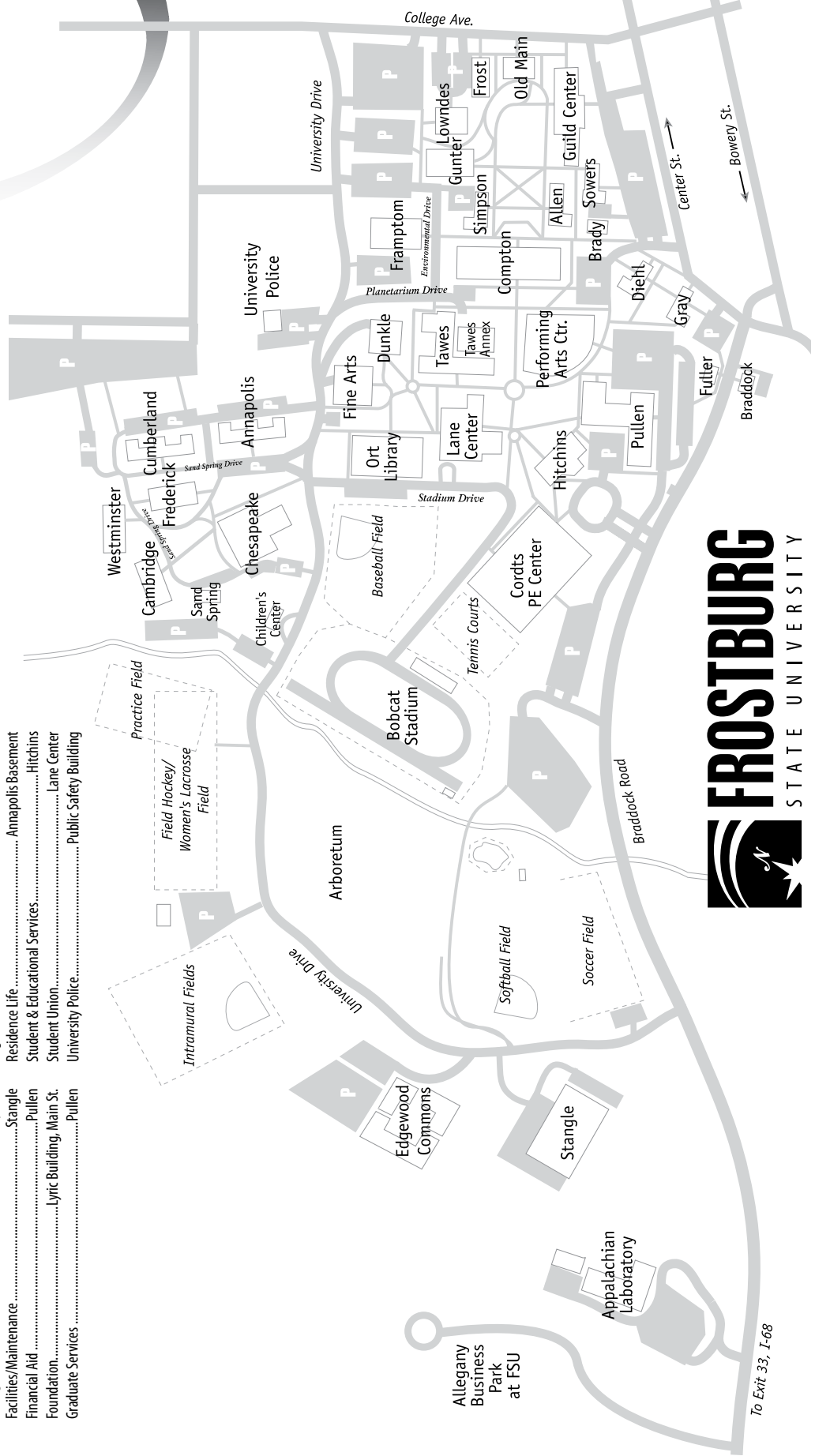
Administrative Offices.....Hitchins
 Admissions.....Pullen
 Advancement.....Lyric Building, Main St.
 Alumni.....Lyric Building, Main St.
 Business Office.....Hitchins
 Dining Hall.....Chesapeake
 Facilities/Maintenance.....Stangle
 Financial Aid.....Pullen
 Foundation.....Lyric Building, Main St.
 Graduate Services.....Pullen

Human Resources.....Hitchins
 Health Center.....Brady
 Information.....Public Safety Building
 Planetarium.....Tawes
 Registrar.....Hitchins
 Residence Life.....Pullen
 Student & Educational Services.....Annapolis
 Student Union.....Hitchins
 University Police.....Lane Center
 University Police.....Public Safety Building

Phone Numbers

Graduate Services.....301.687.7053
 Information.....301.687.4000

Campus Map



To Exit 33, I-68

Frostburg State University Facts

Founded	1898
Location	Frostburg, a town of 7,500 people in the mountains of Western Maryland.
Travel	You can reach the University in a 2-1/2 hour drive west from Baltimore or Washington (each 150 miles) or in a 2-hour drive southeast from Pittsburgh (100 miles). Interstate 68 provides the most direct route. Use Exit 33 (Midlothian/Braddock Road) for quick access to the campus.
Mission	We are a regional, public comprehensive state university and a constituent of the University System of Maryland (13 member institutions).
Degrees Awarded	Bachelor of Arts Bachelor of Fine Arts Bachelor of Science Bachelor of Technical and Professional Studies Bachelor of Science in Urban and Regional Planning Master of Arts Master of Business Administration Master of Education Master of Science
Graduate Degree Programs	see listing on inside front cover
Academic Year	Fall and spring semesters plus optional summer session and Intersession (January session)
Average Enrollment	5,250 students 4,750 undergraduate 600 graduate
Undergraduate minority enrollment	28.3% (Fall 2009)
Faculty	242 full-time faculty; 118 part-time faculty (Fall 2009)
Faculty-Student Ratio	1:18 (undergraduate)
Campus:	260 acres, 37 major buildings, 11 residence halls, 10 classroom buildings, library with over half a million titles as well as computerized reference services and efficient library loan access to major Maryland libraries



Frostburg State University's annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings owned or controlled by FSU; and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault and other matters. You may obtain a copy of this report by contacting the Office of Graduate Services.