2024-2025Community Standards Guide



At the time of publication of this guide, proposed changes in certain policies were pending final approval. Students are reminded that the official and most current version of any University policy is on the web page at policies.catholic.edu.
The Catholic University of America admits students of any race, color, national or ethnic
origin, sex, age, disability, or immigration status to all the rights, privileges, programs, and activities generally accorded or made available to students at the University. It does not discriminate against students or applicants for admission, or employees or applicants for employment on the basis of race, color, national or ethnic origin, sex, age, disability, or immigration status in the administration of its educational or admissions policies or in any aspect of its operations, unless required by law

This edition of the Catholic University Community Standards Guide contains an overview of student affairs and offices as well as references to university-wide policies. All officially approved policies of the University are available on the University policies website: policies.catholic.edu.

Required Title IV and Title IX disclosures (consumer information for students on financial aid, student record privacy [FERPA], campus security and other required disclosures) can

be found online at counsel.catholic.edu/ConsumerInformation.cfm.

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Letter from the Dean of Students



Dear Catholic University Student:

We are grateful you are here! Our vibrant Catholic University community is sustained through the achievements and contributions of students like you. So, expect to be enlightened, challenged, and supported in a learning environment we believe can enrich your own life and the lives of others.

Opportunities and resources offered on campus and in the national capital area enable you to have a comprehensive, fulfilling educational experience. You can focus on and be successful in your formal studies, yet become involved in cocurricular activities. We encourage you to participate in our active spiritual life; engage in cultural, recreational, athletic, and social programs; volunteer for an organization in need; and attend symposia and dialogue with distinguished faculty outside of the classroom.

At Catholic University, we champion purposeful communities. The campus is a place where an appreciation for learning is respected, traditions are shared and celebrated, civility is affirmed, global awareness pursued, and group obligations guide expectations for behavior. As you face requirements, issues, choices, and decisions, our staff will support and challenge you.

To help guide you through your individual and community responsibilities, we have developed this booklet, which outlines critical policies and procedures related to our expectations for your behavior. Our institutional website and publications offer additional opportunities for you to understand your responsibilities as a Catholic University student. We urge you to become familiar with the resources available to you and to periodically consult them.

Best wishes for a great year!

Sincerely yours,

Jonathan C. Sawyer

Associate Vice President for Student Affairs and Dean of Students

Office of the Dean of Students 620 Michigan Ave., N.E. | Washington, DC 20064 |

The Catholic University of America Community Expectations Guide

UNIVERSITY MISSION STATEMENT

As the national university of the Catholic Church in the United States, founded and sponsored by the bishops of the country with the approval of the Holy See, The Catholic University of America is committed to being a comprehensive Catholic and American institution of higher learning, faithful to the teachings of Jesus Christ as handed on by the Church. Dedicated to advancing the dialogue between faith and reason, The Catholic University of America seeks to discover and impart the truth through excellence in teaching and research, all in service to the Church, the nation and the world.

- Approved by the Board of Trustees, December 12, 2006

DIVISION OF STUDENT AFFAIRS MISSION STATEMENT

The mission of the Division of Student Affairs is to promote and facilitate student learning and holistic development in the Catholic intellectual tradition. In partnership with the academic community and Campus Ministry, meaningful opportunities for intellectual and personal development are provided in a vibrant, faith-based, values-oriented campus setting. Student-centered programs and services are offered to support and challenge students throughout their educational experience.

UNDERGRADUATE STUDENT HONOR STATEMENT

We, the undergraduate students of The Catholic University of America, recognize that integrity within our University is fundamental to the pursuit of knowledge and personal development. We understand honor to be an outward expression of our respect for each other and ourselves in accordance with the ethical standards of the Catholic faith.

We believe that a strong commitment to personal integrity and honor is vital to a full participation in our community, and we expect that our conduct as students reflects that responsibility in our daily lives. As active participants in our community, where integrity and accountability are valued, we accept the responsibility to consistently uphold the honor of our University.

It is, then, through the initiative of the undergraduate students, that we affirm these principles to guide the conduct of our entire undergraduate student body at The Catholic University of America.

EXPECTATIONS OF A CATHOLIC UNIVERSITY STUDENT

The Catholic University of America is a community that serves as the national university of the Catholic Church in the United States and that is committed to research, teaching, learning and service in accordance with that identity. We acknowledge a specific mission and specific core values, i.e., qualities expected to be found in each of our community

members and in every community activity. The ways in which the university community uniquely embodies these core values become trademarks of The Catholic University of America experience and an enduring hallmark of the life of each and every member. These core values include faith, integrity, respect, excellence, scholarship, responsibility, freedom, confidence, service and community building. Catholic University students are expected to:

- Be diligent and sincere in the pursuit of education, open to learning and change, striving to achieve academic excellence.
- Define and strengthen their moral, ethical and spiritual character through integration of academic and personal reflection.
- Be honest and have integrity in all that they do, especially in personal relationships and academic performance.
- Recognize the importance of service to others and involve themselves in experiences that will prepare them for their roles as contributing citizens in a global community.
- Develop an awareness of and appreciation for differences that exist among peoples and ideas.
- Respect their own bodies, minds and spirits, avoiding behaviors and substances that could have a negative effect on their personal well-being.
- Conduct themselves in a dignified and respectful manner, learning from their mistakes.
- Accept responsibility for their decisions and be equally accepting of the rewards and consequences of those decisions, including being open to constructive, growth enhancing feedback.
- Develop an appreciation for university traditions and actively participate in the celebration of "Cardinal Pride."
- Enjoy the experience and privileges that help them to live, learn and grow at the University by preparing for life, not just for a career.

CODE OF STUDENT CONDUCT

Community Expectations and Student Responsibility

Any community is born of a shared commitment to core values. The Catholic University of America ("University or "Catholic University"), guided by reason and the light of faith, is a community dedicated to the cultivation of knowledge, skills, wisdom, and virtue in accordance with the University's mission. Membership in the University community brings with it the obligation to conduct oneself in ways that promote these goals and build up the community, and the obligation to refrain from activity inconsistent with the University's mission and our shared goals and commitments.

Each student is expected to make choices that preserve a safe and secure environment in which all individuals are able to pursue their academic endeavors, to practice responsible citizenship, to respect the rights of others, and to be accountable for her/his own actions and the conduct of her/his guests. Failure to uphold University rules and expectations as well as District and/or federal laws and regulations may result in student conduct action within the University under the authority of this *Code of Student Conduct ("Code")*.

Purpose

The purpose of maintaining student conduct in the University setting is to protect the character of the University community by discouraging conduct inconsistent with the mission and values of the institution. The purpose of publishing student conduct regulations is to give students general notice of prohibited behavior and their rights and responsibilities during the student conduct process. The purpose of campus student

conduct proceedings is to provide a forum through which to determine whether a student is responsible for violating University regulations. This *Code* provides a means for the exercise of student rights and responsibilities within the University student conduct system. The *Code* seeks to preserve the individual rights of students while ensuring that the interests of the entire University community are also maintained.

I. Applicability

- A. The *Code* applies to the on-campus conduct of all students. The *Code* also applies to off-campus conduct of students that, in the University's judgment, involves or affects the University or other members of the University community, such as, but not limited to, conduct in connection with:
 - 1. Academic work or other University-related educational activities and experiences, such as class projects, field trips, study abroad, student teaching, or internships;
 - 2. Activities sponsored, conducted, or authorized by the University or its student organizations;
 - Activities that cause or threaten to harm the health, safety, well-being, or property of the University or members of the University community, including the student him- or herself; or
 - 4. Activities that unreasonably disturb the peace and privacy of the student's neighbors when living off-campus.
- B. The *Code* applies to conduct by a student while a student. The University may investigate and/or resolve any report of alleged misconduct that occurs from the time an individual first attends the University until the individual graduates (or otherwise completes a University program), permanently withdraws or is permanently dismissed, even if the conduct occurs between academic terms.
 - In a case where a student requests to withdraw or take an academic leave while a student conduct action is pending, the University reserves the right to proceed with the University student conduct process or keep the matter open, at the University's discretion. At any time, the University may place an administrative hold on the student's account preventing future registration. If a student seeks to re-enroll after withdrawing or taking an academic leave, all open matters may be adjudicated under this *Code*.
- C. Students also continue to be subject to federal, state, and local laws while at the University. While those laws are separate and independent from the *Code* and impose different standards, violations of them may also constitute violations of the *Code*. In such instances, the University may take action under the *Code* independently of any other legal proceeding involving the same conduct and may impose consequences for a violation of the *Code* even if such other proceeding is not yet resolved or is resolved in the student's favor.

II. Authority for Student Conduct

A. Ultimate authority over student conduct is vested in the President of the University ("President"), who may take immediate action at her/his discretion for any violation of University policies or procedures whatsoever. Action taken by the President is final and closes the matter.

As an ordinary matter, the President has delegated authority over student conduct to the Vice President for Student Affairs ("Vice President") who may exercise it consistent with these procedures.

- B. The Vice President or the Vice President's designee reserves the authority to take immediate, necessary, and appropriate action to protect the health, safety and well-being of an individual and/or the University community. The Vice President may take an interim action to evict a student from University housing, restrict a student's access to and movement about the campus, and/or suspend a student from the University whenever the continued presence of the student at the University is deemed to pose a serious threat to her/himself or to others or to the stability and continuance of normal University functions. The interim action shall become effective immediately upon delivery of verbal and/or written notification to the student or his/her designee. A hearing or conference will be granted as soon as practical.
- C. The Office of Student Conduct and Ethical Development ("SCED"), with direction and guidance from the Associate Vice President for Student Affairs & Dean of Students ("Associate Vice President"), is responsible for administering the student conduct system and ensures that all student conduct proceedings are carried out in accordance with University policies and procedures.
- D. Student conduct action may be pursued for any violation of University policy, or district or federal law, on or off University premises by a student that affects the University's interests and/or is inconsistent with the University's expectations for students.

III. Prohibited Conduct

The following are examples of prohibited behaviors and activities which may result in student conduct action under this *Code*. Commission of or attempts to commit these acts, condoning, supporting or encouraging others in the commission of these acts, or failure to prevent one's guests from committing these acts may be treated as violations of this *Code*.

A. Dangerous Conduct

Intentionally or carelessly engaging in conduct that threatens or endangers the health or safety or causes physical harm to any person, including the violator.

- 1. Placing a person in fear of imminent physical danger or bodily harm.
- 2. Causing bodily harm to a person, or engaging in harmful physical contact that would likely have caused bodily harm despite the lack of any measurable harm.
- 3. Hazing Any action which endangers the mental or physical health of a student, or which encourages the student to engage in illegal or inappropriate conduct for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in, a recognized or unrecognized group or organization.
- 4. Engaging in reckless behavior that creates a potentially unsafe situation for members of the community.

B. Harassment

Any actions, threats, gestures, images, and/or words directed toward another person or group via any medium which have the purpose or which tend to incite a breach of the peace, create a hostile, offensive or demeaning environment, or cause emotional distress to that person because of the humiliating, degrading, intimidating, insulting, coercive, ridiculing, and/or alarming nature of the conduct. It frequently, but not always, involves a pattern of conduct.

1. Discriminatory harassment includes offensive, unwelcome conduct or

language that is based on an individual's race, color, religion, sex, national origin, age, marital status, personal appearance, family responsibilities, physical or mental disability, political affiliation, status as a veteran, or any other basis protected by applicable Federal and state or local laws.

2. Personal harassment includes offensive, unwelcome conduct or language that is not based on a protected class.

C. Dangerous Items

The use, possession or storage of any firearms, explosives, other weapons, fireworks or dangerous chemicals.

- 1. Firearms and ammunition --- Firearms are defined as any gun, rifle, pistol, or handgun designed to fire bullets, BBs, pellets, or shots (including paintballs), regardless of the propellant used.
- 2. Explosives and fireworks including, but not limited to, firecrackers, cherry bombs, smoke bombs, and similar devices.
- 3. Knives that are longer than 3 inches, or other weapons, or objects that could be construed as weapons or items that pose a potential hazard to the safety or health of others. Other weapons are defined as any instrument of combat or any object not designed as an instrument of combat but carried or used for the purpose of inflicting or threatening bodily injury or damaging/destroying University property or the property of others.
- 4. Unauthorized hazardous materials or chemicals.

D. Interfering with Fire Safety

- 1. Misusing, tampering or damaging fire safety equipment including, but not limited to, fire extinguishers, smoke alarms, sprinkler systems or exit signs.
- 2. Unauthorized burning of any material in any University building, on University property or on areas adjacent to University property.
- 3. Disregarding a fire alarm signal or refusing to evacuate a building or a section of a building when a fire alarm is activated.
- Recklessly or intentionally activating an alarm when an emergency situation does not exist.

E. Alcohol

The abuse of alcohol is prohibited. The use, possession, or distribution of alcohol, is prohibited, except as permitted by law and University policy. Therefore, students of legal age may possess and consume alcoholic beverages consistent with this policy.

- 1. Possession of containers that previously contained alcoholic beverages by persons under 21 years of age.
- 2. Possession of common source containers of alcohol such as kegs or alcoholic punch (i.e., jungle juice).
- 3. Possession of alcoholic beverages by persons under 21 years of age.
- 4. Consumption of alcoholic beverages, including:
 - Consumption of alcoholic beverages by persons under 21 years of age;
 - b. Consumption of alcoholic beverages by persons 21 years of age or older in any public area, including public space within a residence hall, unless it is an official University approved event or University venue licensed to serve alcohol.
- 5. Regardless of age, the abusive or dangerous use of alcohol is prohibited on and off the campus, including but not limited to:

- Intoxication that results in impaired motor skills or balance, slurred speech, disorientation, vomiting, blacking-out, passing-out, or other similar behavior;
- b. Disruptive, disorderly, or dangerous conduct related to the consumption of alcohol;
- c. Driving on or off the campus while under the influence of alcohol.
- 6. Sale, distribution or provision or attempts to sell, distribute or provide alcoholic beverages to anyone under 21 years of age. This also applies to those hosting social gatherings where alcohol is available for consumption to persons under the age of 21.

F. Drugs

The use, possession, and/or distribution of any drugs and/or drug paraphernalia. Drugs include any controlled substances as defined by law, including those without a valid prescription, and/or other recreational substances. The University does not permit marijuana or marijuana products for any purpose (including but not limited to products that contain cannabidiol (CBD) or tetrahydrocannabinol (THC); students who qualify under local law to use marijuana or marijuana products for medical purposes may not possess, store, use or share marijuana or marijuana products on University-owned or controlled property or during University-sponsored events.

- 1. Possession of paraphernalia including, but not limited to, any item typically used to inhale/ingest/inject/mask drugs, regardless of whether the item has been used for illegal purposes.
- 2. Possession of drugs.
- 3. Use of drugs.
- 4. Distribution (any form of exchange, gift, transfer or sale) of drugs.

G. Theft/Unauthorized Possession of Property

- 1. Theft of property or of services or possession of stolen property.
- 2. Unauthorized possession of University property (including residence hall lounge furniture) or the property of others.

H. Damage to or Misuse of Property

- 1. Damaging or defacing University property or the property of others.
- 2. Unauthorized entry into University property or the property of others.
- 3. Unauthorized use or misuse of University property or the property of others.

I. Disorderly Conduct

Acting in a manner which annoys, disturbs, interferes with, obstructs, or is offensive to another/others.

- 1. Shouting or making excessive noise either inside or outside a building to the annoyance or disturbance of others.
- 2. Verbally abusing University officials (including students appointed to act as representatives of the University) acting in the performance of their duties.
- 3. Behaving in a lewd or indecent manner.
- 4. Engaging in, leading or inciting others in a breach of peace that is disruptive to the community.

J. Non-academic Dishonesty

- 1. Knowingly furnishing false information to the University or a member of the University community, including at University student conduct proceedings.
- 2. Forgery, misuse, unauthorized alteration and/or creation of documents,

- records, University identification cards, keys, or other objects.
- 3. Possession or use of false identification cards issued by an entity other than the University.
- 4. Fraud, through act or omission, committed against a member of the campus community or others.
- Knowingly initiating or causing to be initiated any false report, warning or threat.

K. Interfering With University Events

Interfering with any normal University or University sponsored events, including but not limited to studying, teaching, research, sponsored social programs, and University administration, fire, policy, or emergency services.

L. Smoking

Smoking in a building or vehicle that is owned, operated or leased by the University or within 25 feet of an entrance or window of any University building.

M. Violating Other University Policies

Any violation of other published University regulations including but not limited to Residence Life and Housing Services policies and procedures, rules published in other University publications, and those available at policies.catholic.edu and other University websites.

N. Non-compliance

Failure to comply with reasonable directives of University officials, including students appointed to act as representatives of the University, acting in performance of their duties. Directives to provide identification and/or participate in a University student conduct process are included in the scope of this provision.

O. Sanction Violation

Violating the terms of any student conduct sanction as imposed in accordance with student conduct procedures, including the failure to complete sanctions by the stated deadline.

P. Gambling

Participation in any form of illegal gambling as defined by local, state, or federal law.

Q. Violation of Law

Violation of local, state, or federal laws, regulations or ordinances.

R. Sexual Misconduct1

- Sexual acts of any kind outside the confines of marriage are inconsistent with the teachings and moral values of the Catholic Church and are prohibited. The University affirms that sexual relationships are designed by God to be expressed solely within a marriage between husband and wife.
- 2. Sexual Offenses are prohibited in all forms. "Sexual Offense" is a broad term encompassing a range of behavior including, but not limited to: sexual assault; sexual harassment; dating violence; domestic violence; stalking; indecent exposure; sexual exhibitionism; use of communication systems to send unwanted sexual material and messages; prostitution or the solicitation or employment of a prostitute; peeping or other voyeurism; allowing others to view consensual sexual activity; the non-consensual video or audio

¹ While these definitions are derived from applicable law, the prohibited conduct described in this section encompasses more than conduct proscribed by law.

recording of sexual activity; or any conduct prohibited by applicable law.

- a. Sexual Assault is sexual intercourse or sexual contact with another person without consent. Sexual assault is a criminal offense under D.C. law and includes the following:
 - Oral, vaginal, or anal penetration, no matter how slight, with any object or body part without consent.
 - Non-consensual touching of another person in a sexual manner.
 This includes, but is not limited to, the touching either directly or through clothing of another person's genitalia, breasts, inner thigh, or buttocks with a clothed or unclothed body part or object.
- b. Sexual Harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when either:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of employment, education, on-campus living environment, or participation in a University activity or program; or
 - Submission to or rejection of such conduct is used or threatened to be used as the basis for decisions affecting employment, education, on-campus living environment, or participation in a University activity or program; or
 - Such conduct has the purpose or effect of unreasonably interfering
 with an individual's work or educational performance or creating
 an intimidating, hostile, or offensive environment for employment,
 education, on-campus living, or participation in a University activity
 or program.

Sexual harassment can occur between and among supervisors or managers and subordinates, faculty and staff or students, peers, vendors/subcontractors/visitors and employees or students, or any combination thereof. Often, but not always, the harasser is in a position of authority, trust, or influence that provides the opportunity to take advantage of the unequal positions of the parties.

- c. Dating Violence means felony or misdemeanor crimes of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
- d. Domestic Violence means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the District of Columbia or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the District of Columbia.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

A student can face significant disciplinary sanctions, including expulsion, as well as criminal prosecution or other legal action, for committing a sexual offense.

3. The definitions above describe the minimum legal standards for conduct, and they set forth terms that help determine criminal liability and legal responsibility. The University and the Church have higher expectations. They affirm that sexual activity is intended by God as an expression of love and commitment between a husband and wife, and therefore belongs exclusively within marriage. Sexual activity by unmarried persons lacks that essential level of commitment and responsibility, and harms moral growth and development. It undermines the Christian view of sexual activity embraced and promoted by the Church and the University, a view which insists upon mutual respect, moral integrity, and the sacredness of human sexuality.

S. Solicitation

Unauthorized solicitation, sale or promotion of any goods or services in University owned or operated property, including residence halls, or at University-sponsored events.

T. Complicity

Being present or otherwise involved, in such a way as to condone, support or encourage any acts which would violate this Code. Students who observe acts in violation of this Code are expected to remove themselves and are encouraged to report the matter.

U. Title IX

Any violation of the University's published <u>Title IX Policy</u> including sexual harassment, sexual assault, stalking, dating violence, and domestic violence.

V. Conduct Unbecoming of a Catholic University Student

Actions pertaining to personal integrity that may have a negative or disruptive impact to the University community including, but not limited to, behaviors that are unethical or those that are flagrantly disrespectful of others or those that flout common standards of decency or those that demonstrate contempt for the generally accepted values of the University community.

IV. Student Conduct System and Procedures

These guidelines are intended to provide general notice of rights and responsibilities during the student conduct process. This *Code* does not, nor is it intended to, afford the specificity or the due process rights of criminal or civil statutes or procedures.

a. Case Referrals

- Any person may refer a student suspected of violating this Code to SCED. The
 referral will be reviewed to determine the appropriate student conduct or
 administrative action to be taken in accordance with this Code including, in
 the event that there is insufficient evidence to support formal action, a
 determination that student conduct or administrative action is not
 warranted.
- 2. Referrals should be made within a reasonable timeframe after the alleged incident (or after the latest alleged incident in cases of harassment or where there is a succession of documented incidents). Student conduct action may be pursued after considering the amount of time that has passed since the alleged incident and whether there is enough information available to substantiate the reported behavior.
- 3. Administrative action, in lieu of formal student conduct action, may be taken

at the discretion of the University, in an appropriate and reasonable manner, to address student behavior.

b. Student Conduct Proceedings

- A student potentially subject to formal sanctions other than eviction from residence, suspension or expulsion, is entitled to a **conference**, which will normally consist of an informal meeting between the student responding to allegations ("respondent") and an administrator.
- 2. A student subject to eviction from residence, suspension or expulsion from the University is entitled to a **hearing**, which will normally consist of a formal meeting between the respondent and the Dean of Students' designee.
 - Allegations of sexual offenses will be resolved under the Disciplinary Procedures found in the <u>Grievance Procedures for Reported Sexual</u> Offenses.
 - Allegations of Title IX will be resolved under the <u>Title IX Grievance</u> Procedures.
 - c. A student who accepts responsibility for violations of this *Code* (prior to the student conduct hearing) may meet with the Dean of Students' designee in an administrative meeting to discuss possible sanction(s), in lieu of attending a hearing. This acceptance must be in writing, affirming acceptance of responsibility for the charge(s) and acknowledging that the full range of sanctions may be imposed. A student who accepts responsibility in writing forfeits all rights to an appeal process.

c. Guidelines for Student Conduct Proceedings

The following procedural guidelines shall be applicable in student conduct proceedings. Formal rules of process, procedure, and technical rules of evidence, such as applied in criminal or civil court, are not used in student conduct proceedings. Deviations from prescribed procedures shall not necessarily invalidate a decision, unless significant prejudice to an accused student, complainant or the University results. Allegations of sexual offenses will be resolved under the Grievance Procedures. Allegations of Title IX will be resolved under the Title IX Grievance Procedures.

- The respondent shall receive advanced written notification of the specific charges and the date, time, and location of the scheduled proceeding. Notice will most often take the form of a letter delivered to a student's University e-mail account and/or residence.
- 2. The respondent may request a reasonable extension of time to prepare for the proceeding. Requests for an extension will not be granted for a period to exceed two business days except in unusual circumstances where the respondent can demonstrate the necessity for a longer delay. All requests for extension of time should be made in writing at least one business day prior to the scheduled proceeding, except in cases of documented serious illness or emergency.
- 3. The respondent shall be afforded reasonable access to review the case file prior to and during the proceeding, and may request a copy of a redacted incident report from SCED. "Case file" means the file containing those materials pursuant to the Family Educational Rights and Privacy Act (FERPA) of 1974. If additional information becomes available and is relevant, it will be discussed and reviewed at the proceeding. The notes of University staff members and investigators are not included in the case file and thus are not accessible. Names and other information of students may also be redacted in the incident report as appropriate for confidentiality.

- 4. The respondent shall have the opportunity to provide to SCED additional and relevant information that is not contained within the incident report to be considered during the proceeding. Any such additional information should be submitted in writing at least two business days prior to the proceeding.
- 5. The respondent may provide the names of witnesses from the University community who have relevant and material information pertaining to the incident. Any additional witnesses must be submitted to SCED in writing at least two business days prior to the proceeding. These individuals may be invited at the discretion of SCED to provide information related to the incident. Ordinarily, witnesses who are not members of the University community will not be invited to serve as a witness in the proceeding, and expert witnesses generally will not be invited.
- 6. Proceedings will be closed to non-participants and to the public, including friends and University personnel without an official interest in the case.
- 7. A respondent may be accompanied by one advisor. The role of the advisor shall be limited to support and consultation; the advisor may not speak during any student conduct proceeding except privately to the respondent, nor shall the advisor question or address witnesses. Violation of this expectation will result in the advisor being removed from a proceeding at the discretion of the student conduct administrator. In consideration of the limited role of an advisor, and of the interest of the University to expeditiously conclude the matter, a proceeding will not normally be delayed if an advisor is unavailable.
- 8. During the proceeding, the respondent shall have the opportunity to respond to the information related to the alleged violation of the *Code*.
- Information or testimony that does not directly relate to the facts at issue, but instead reflects upon the character, reputation, personality, qualities or habits of the respondent should not be presented and, if offered, may be excluded.
- 10. A respondent who fails to appear at a scheduled proceeding without good cause (e.g. documented serious illness), after proper notice of such a proceeding, may be adjudicated in absentia, and forfeits all rights to an appeal unless it is for lack of proper notice, as required herein. In such cases, decisions will be based solely on information available or information presented during the proceeding.
- 11. Proceeding outcomes must be supported by a preponderance of evidence. Preponderance of evidence means that a greater weight of evidence supports the conclusion that a fact is true, or to establish that an event occurred. A preponderance of the evidence does not necessarily mean the greater *amount* of evidence, but rather the greater quality of evidence making it more likely than not the matter in question is true.
- 12. A respondent may be found responsible for any prohibited conduct (including sections of the *Code* for which he or she was not originally charged) when behaviors that were previously unknown are discovered during the course of the student conduct proceeding or if it is determined that a different section of the *Code* more appropriately addresses the conduct in question.
- 13. The outcome of the proceeding shall be conveyed to the student in writing.
- 14. An audio or audiovisual recording may be made by the Dean of Students Office. No other individuals present at the proceeding are permitted to make a recording. The recording is property of the University and will remain in the Dean of Students Office. A party that is preparing an appeal may listen to the

recording but may not duplicate it. The recording will be preserved until the conclusion of the appeals process. The conduct officer will facilitate the recording; however, issues that result in no recording, a limited recording, or an inaudible recording are not considered procedural errors for the purpose of an appeal.

V. Sanctions

- A. The imposition of sanctions is based on the nature of the violation and the severity of any damage, injury, or harm resulting from it, and the disciplinary record and rehabilitative potential of the respondent.
- B. In some cases, a sanction may be held in abeyance for a specific period. This means that, should the student be found in violation of the Codeduring the stated period, he or she may be subject to the deferred sanction in addition to the student conduct action appropriate to the new violation.
- C. Sanctions that may be imposed in accordance with this *Code* include:
 - 1. Censure: An official written reprimand for violation of specified regulations.
 - 2. Disciplinary Probation: A period of time in which a student is expected to demonstrate positive behavioral change and may be excluded from participation in privileged or extracurricular institutional activities. Additional restrictions or conditions for behavioral changes may be imposed. Violations of the terms of student conduct probation, or any other violation of this Code during the period of disciplinary probation, may result in eviction from residence, suspension or expulsion from the University. While on disciplinary probation, the student is not in good disciplinary standing with the University.
 - 3. *Restitution*: Repayment to the University or to an affected party for damages resulting from a violation of this *Code*.
 - 4. *Denial of Access to Specific Areas or Events*: Ban from certain University-owned or controlled area(s) or University-sponsored events for a specified length of time.
 - 5. Eviction from Residence: Termination of the residence hall agreement and exclusion from visiting within certain or all residential facilities, as set forth in the notice of eviction, for a specified period of time. A student who is evicted is not entitled to a refund of room fees. A student who is required to live on campus and is evicted from residence is unable to fulfill residency requirements and may be suspended, upon review.
 - 6. *Revocation of Privileges:* Restrictions placed on activities and/or use of University services and facilities for a specified period of time.
 - 7. Suspension: Exclusion from classes and other privileges or activities, including access to University premises or University-sponsored events or activities off campus, as set forth in the notice of suspension, normally for at least one semester. A student who is suspended is not entitled to any tuition or fee refund and is banned from University premises for the duration of the suspension.
 - 8. *Expulsion:* Termination of student status, and exclusion from University premises, privileges and activities. A student who is expelled shall not be entitled to any tuition or fee refund and is banned from University premises permanently.
 - 9. *Discretionary Sanctions*: Other sanctions that bear a reasonable relation to the violation for which the student has been sanctioned may be imposed instead of or in addition to those specified above. Discretionary sanctions include, but are not limited to: service hours, fines, educational reflection

assignments, and participation in alcohol or drug awareness programs, and trainings, counseling and education regarding sexual assault and misconduct.

VI. Appeals

The outcome of a student conduct proceeding may be appealed subject to the following guidelines:

- A. A letter of appeal should be submitted to the Office of the Dean of Students via provided electronic form link by the student within three (3) business days of receipt of the outcome of the student conduct proceeding.
- B. A student adjudicated in absentia forfeits all rights to an appeal process unless it is proven that it is for lack of proper notice, except in an extraordinary circumstance.
- C. The appeal must specify grounds that would justify consideration. General dissatisfaction with the outcome of the student conduct proceeding or an appeal for mercy are not appropriate grounds for appeal. The written appeal must specifically address at least one of the following criteria:
 - Significant procedural error that changes the findings of fact of the student conduct proceeding.
 - 2. New evidence that significantly alters the findings of fact, that was previously unknown to the respondent, has been discovered and is available during the appeal process.
 - 3. For matters resulting in eviction, suspension or expulsion, the Vice President will review and determine the outcome of the appeal. For all other matters, the Associate Vice President (or designee) will review and determine the outcome of the appeal.
- D. One appeal is permitted. The decision on the appeal is final and shall be conveyed in writing to the student.
- E. The imposition of sanctions may be deferred while the appeal process is pending unless, in the discretion of the Associate Vice President, the continued presence of the student on the campus poses a serious threat to her/himself or to others, or to the stability and continuance of normal University functions.

VII. Student Conduct Files and Records

The files of students found responsible for any prohibited conduct will normally be retained as a student conduct record in the Office of the Dean of Students and the Office of Student Conduct and Ethical Development, under the authority of the Associate Vice President. University officials may use the record as a reference; however, the record will be retained for no more than five (5) calendar years from the student's terminating date from the University, except as provided by law.

ALCOHOL AND OTHER DRUG ABUSE POLICY

The Catholic University of America strives to maintain an environment that promotes the health and safety of the community and the responsible choices and behaviors of its members concerning the use of alcohol. The University recognizes that the consumption of alcohol in moderation by persons of legal drinking age can be a component of the social environment at the University. Therefore, students of legal drinking age are granted the privilege of responsible alcohol use on campus. The following outlines the risks associated with alcohol and other drug abuse and the University response to student alcohol and other drug abuse.

Policy

The risks associated with the use of illicit drugs and the abuse of alcohol are numerous and include physical and mental impairment, emotional and psychological deterioration, and devastating effects on family and friends. There are obvious risks such as suffering a hangover, being charged with driving under the influence or while intoxicated, and sustaining or causing personal injury. There are a number of less obvious risks associated with alcohol and other drug abuse that students might not realize, including:

- Poor academic performance
- Poor job performance
- Poor social interactions
- Unwanted and inappropriate sexual activity
- Sexually transmitted diseases
- Jeopardizing future career prospects (e.g., admission to advanced schooling and employment)

In addition, alcohol and other drug abuse puts the user at considerable health risk, which can include nausea, vomiting, cancer, liver damage, elevated blood pressure, psychotic episodes, hallucinations and, in some cases, death. In addition to the risk to the abuser of illicit drugs and alcohol are the risks to fellow classmates, the public and to unborn children.

All students, whether on or off campus, must adhere to local and federal laws concerning alcohol use and are expected to conduct themselves in a manner consistent with University expectations. The University will not tolerate the unlawful manufacture and/or illegal purchase, consumption, possession, or distribution of alcohol to or by any student.

Local and federal laws prohibit the unlawful use, manufacture, possession, control, sale and dispensation of any illegal narcotic or dangerous drug. These laws carry penalties for violations, including fines and imprisonment. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by a student on University property or as any part of a University-sponsored program on or off campus is strictly prohibited. The University does not permit the use, possession or transfer of marijuana for any purpose. Students who qualify under local law to use marijuana for medical purposes may not possess, store, use or share marijuana on University-owned or controlled property or during University-sponsored events.

Any student who violates the <u>Code of Student Conduct</u> as it relates to alcohol and drug use is subject to sanctions as outlined therein. See also the Penalties for violation of federal and local jurisdiction standards related to drugs and alcohol.

The University cooperates fully with law enforcement authorities. Violations of the Catholic University drug and alcohol policy and/or the <u>Code of Student Conduct</u> that are also violations of federal and local law may be referred to the appropriate agencies. In such situations, cases may proceed concurrently in the University judicial system and in the criminal justice system.

The University's <u>Counseling Center</u> and <u>Student Health Services</u> can provide confidential consultation and referral to students with problems or concerns related to alcohol and/or drug use. Information about substance abuse and treatment programs is also available in the Office of the Dean of Students.

This policy implements the Drug Free Schools and Communities Act (20 U.S.C. 1145g).

ACADEMIC DISHONESTY

Academic honesty is one of the foundations of the educational mission and Catholic commitment of this university. Academic dishonesty, including such practices as cheating, plagiarism and fabrication, undermines the learning experience, and, as it involves fraud and deceit, is corrosive of the intellectual principles and is inconsistent with the ethical standards of this University. Academic dishonesty damages the sense of trust and community among students, faculty and administrators.

Categories of Academic Dishonesty

Plagiarism is the act of presenting the work or methodology of another as if it were one's own. It includes quoting, paraphrasing, summarizing or utilizing the published work of others without proper acknowledgment, and, where appropriate, quotation marks.

Improper use of one's own work is the unauthorized act of submitting work for a course that includes work done for previous courses and/or projects as though the work in question were newly done for the present course/project.

Fabrication is the act of artificially contriving or making up material, data or other information and submitting this as fact.

Cheating is the act of deceiving, which includes such acts as receiving or communicating or receiving information from another during an examination, looking at another's examination (during the exam), using notes when prohibited during examinations, using electronic equipment to receive or communicate information during examinations, using any unauthorized electronic equipment during examinations, obtaining information about the questions or answers for an examination prior to the administering of the examination or whatever else is deemed contrary to the rules of fairness, including special rules designated by the professor in the course.

For More Information on Policies and Procedures, including Appeals:

https://policies.catholic.edu/students/academicundergrad/integrityfull.html https://policies.catholic.edu/students/academicundergrad/integrityprocedures.html

CAMPUS SMOKE-FREE POLICY

In light of the health hazards associated with secondhand smoke, The Catholic University of America prohibits Smoking (defined below) in any enclosed University area and within 25 feet of any University building. This policy applies to all staff, faculty, students, contractors, vendors and guests of the University, and applies even in the absence of no-smoking signage.

Definition

Smoking means inhaling, exhaling, burning or heating any tobacco, plant, vapor or other substance intended for inhalation by any method, including but not limited to cigars, cigarettes, pipes, hookahs or electronic smoking devices such as e-cigarettes or vapes.

Prohibitions

Smoking is prohibited in all University buildings, facilities and other enclosed areas

owned, operated or leased by The Catholic University of America. This prohibition extends to all University indoor air space, including but not limited to:

- All academic, administrative, dining, residential, athletic, recreational, service and mixed use buildings or facilities;
- All common areas, such as classrooms, lounges, restrooms, study areas, hallways, stairways and parking garages;
- All individually-assigned spaces (such as offices); and
- All University-owned or leased vehicles.

Smoking is not permitted within a minimum of any 25 feet of any University building.

Per the University's drug and alcohol policies, marijuana is not permitted for any reason on University-owned or controlled property or at University-sponsored events.

COLLECTION OF STUDENT ADDRESS INFORMATION

The University requires all students to report and update as necessary, current local and home addresses and emergency contact information. The University adopts this policy for the purposes of collecting and maintaining more accurate contact information for students for emergency preparedness and demographic planning.

Failure to report, and update as necessary, accurate local and home addresses and emergency contact information will constitute a violation of this Policy and may result in the encumbrance of further registration or the inability to access Cardinal Station.

Solicitation of Address Information

All students will be informed of the need to update their address and emergency contact information. This will occur through a prompt on Cardinal Station that requests the student to add the information anytime the student attempts to access Cardinal Station, whether it be to print a class schedule, add or drop a class, or register for a class. If the student does not populate the field with the requested data, or validate the existing data, then the student will not be able to proceed further in Cardinal Station. If the requested information is not provided, the hold on access to Cardinal Station will continue in place, and will prevent registration during the first week of November for the spring semester. The same prompt will appear for any new or returning students registering in January.

Audit of Accuracy of Information

No later than one month before registration begins for the fall and spring semesters, the Office of the Registrar will audit the accuracy of the address data for all students living off campus. This query will reject as a valid current address any P.O. boxes or addresses beyond the Washington-Baltimore Consolidated Metropolitan Statistical Area.

Student and Parent Outreach

The Office of the Dean of Students may conduct outreach to parents of all undergraduate students advising them of this policy, and soliciting their assistance in encouraging students to comply with the policy. Other avenues of outreach include dissemination of information about the policy in student orientation sessions, in the Class Schedule, both paper and online, on the Office of the Registrar's web page, as well as the University Policy web page and through other means.

EXPECTATIONS FOR OFF-CAMPUS STUDENT BEHAVIOR AND LIVING

The University strongly encourages students to take advantage of the many aspects of life at the University, including life in the surrounding neighborhoods and in the greater Washington, D.C., metropolitan area. At the same time, students accept certain responsibilities as members of the University community, including the obligation to practice responsible citizenship and to respect the rights of others on and off campus.

Community Standards

University students living off campus and/or visiting the surrounding neighborhoods have a responsibility to the local neighbors, the University and the District of Columbia to be mindful of their behavior and that of their guests and/or housemates, and its effects upon the community.

Students are encouraged to take advantage of the positive and rewarding aspects of the University while simultaneously practicing responsible citizenship and conducting themselves in a manner that is compatible with the expectations of them as adult citizens and members of the University community. Loud music, large parties, being disruptive when traveling to and from campus, littering, not maintaining an off-campus property properly, or student vehicles blocking access to driveways, sidewalks, or alleyways might seem trivial to students. However, what might seem inconsequential is very disruptive to neighbors and other community members. It is incumbent upon students to respect the standards of the extended community.

When living in or visiting the local neighborhoods, students represent the university to people who form an impression of the University based on the students' behavior. Understanding who the neighbors are (e.g. professionals, retirees, families with young children, and/or long-term residents of the community) might help students recognize how their behavior(s) may be perceived and the positive (or negative) impact they can have on community members' impression of University students. Each year the neighbors must adjust to a new group of students living in the neighborhood with them; the negative actions of just one group of students can have a lasting impact on the community as a whole.

Student Responsibility and University Response

Expectations of University students do not change once they leave the physical boundaries of the campus. Even when off campus, students can be held accountable for their actions - the <u>Code of Student Conduct</u> applies to all students, whether they are on or off campus. Student behavior shall be consistent with the published <u>Code of Student Conduct</u>, laws and regulations, and <u>Expectations of a Catholic University Student</u>. The University reserves the right to take appropriate action to protect the health and well-being of an individual and/or the University community, including pursuing disciplinary action for any violation of University policy or district or federal law off University premises by a student that affects the University's interests and/or is inconsistent with the University's expectations of students.

In addition, when off campus, students are members of the District of Columbia community and will be held to certain standards, just like other community members. The Metropolitan Police Department has jurisdiction to respond to incidents occurring at an off-campus residence if they receive complaints from neighbors and other community members about students' behavior. The University, after learning of complaints, may take

administrative or disciplinary action as necessary.

Disciplined Property Status

The University, through its existing jurisdiction stated in the <u>Code of Student Conduct</u>, may take administrative action and/or institute disciplinary action if neighborhood properties are the location of an event that, based on credible evidence and the University's determination, has disrupted the neighborhood. In addition to sanctions against individual students, the University may designate a neighborhood property as a *disciplined property* (DP). Upon designation as a DP, all student tenants living in the property are subject to immediate disciplinary action by the University for any behaviors deemed to be disruptive to the community. In general, the designation of DP on a neighborhood property will remain for a minimum period of four academic months and may be removed upon approved petition from the tenants or the landlord to the Vice President of Student Affairs or his/her designee. However, a designation of DP may extend into future academic years, meaning that new tenants of the property will be under the same behavioral stipulations as prior tenants.

INVOLUNTARY WITHDRAWAL POLICY

The Catholic University of America endeavors to provide a safe and orderly environment, insofar as possible, in which all qualified students, with or without disabilities, are able to participate in the University's programs and activities and to pursue their academic, physical, moral and social development.

The Vice President for Student Affairs or a designee ("Vice President") reserves the right to take immediate, necessary and appropriate action to protect the health, safety, and well being of an individual and/or the University community. A student who does not conduct himself or herself in a manner compatible with a safe and orderly environment is subject to discipline through the student conduct system. In an unusual case where a student engages in one or more behaviors such as those listed below or exhibits a pattern of such behaviors, the University reserves the right, consistent with applicable law, to require an involuntary withdrawal. These behaviors include:

- a. Student engages in, or threatens to engage in, behavior which poses a danger of causing physical harm to self or others;
- Student demonstrates an inability to satisfy personal needs, including nourishment, shelter, personal safety and well-being, etc., such that there is a reasonable possibility that serious physical harm or death might occur within a short period of time; and/or
- c. Student exhibits behavior(s) that substantially impede(s) the lawful and/or daily, normal activities of others and/or would interfere with the educational process and the orderly operations of the University. Behaviors include those that are disruptive to the surrounding community and community members and/or significantly impact the University's human resources in continued management of these incidents.

Prior to invoking an involuntary withdrawal, a student may be given the option to take a voluntary withdrawal. Involuntary withdrawals may be subject to approval by the Vice President for Student Affairs or designee.

Reinstatement following involuntary withdrawal normally requires a certification from the student's treatment provider which satisfies the University that the student's behavior is compatible with the academic and technical standards of the University.

Definitions

- **a. Academic standards** are determined by the University, the specific school in which the student is enrolled and the professor of the particular course in which the student is registered.
- **b. Technical standards** for community living require that students comply with the <u>Code of Student Conduct</u> and that students take care of themselves so as to not endanger the physical or mental well-being of themselves or others.
- **c. Involuntary** means without the student's consent.
- **d. Withdrawal** means separation from the University.

PARENTAL NOTIFICATION

As required by the Family Educational Rights and Privacy Act (FERPA) of 1974, the University cannot disclose a student's education records without the written consent of a student or without proof that the student is the tax dependent of the parent. However, the University will disclose information to parents, without written consent from the students, when notification is determined to be necessary to protect the health or safety of the student or others. This notification may occur due to a medical emergency, an incident of imminent danger or another situation in which staff deems such action necessary.

Additionally, the University has the discretion to disclose, to any parent or legal guardian of a student under the age of 21, information about a violation of any federal, state or local law, or any rule or policy of the institution governing the use or possession of alcohol or a controlled substance, if the institution has determined that the student has committed a disciplinary violation with respect to such use or possession.

RESIDENTIAL SERVICES POLICIES AND PROCEDURES

Information regarding Residential Services Policies and Procedures can be found here.

STUDENT HOUSING ELIGIBILITY POLICY

Information regarding Student Housing Eligibility can be found here.

PET POLICY

Information regarding the Pet policy can be found here.

SERVICE ANIMALS POLICY

Information regarding the Service Animals Policy can be found here.

STUDENT RECORDS POLICY

I. Introduction

The Family Educational Rights and Privacy Act (FERPA) grants students certain rights regarding their Education Records, and requires that the University protect the privacy of Education Records.

II. Definitions

- A. Student means any person who is attending or has attended the University, including any student who has matriculated.
- **B.** Education Record means any information or data, recorded in any medium, directly related to the student and maintained by the University or a party acting on behalf of the University or a party acting on behalf of the University, with certain exceptions set forth below. An Education Record includes information that, alone or in combination, is linked to a specific student that would allow a reasonable person in the University community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
- **C. Directory Information** means name, address (including email), photograph, dates of registered attendance, enrollment status, school or division of enrollment, major field of study, nature and dates of degrees and awards received participation in officially recognized activities and sports, and weight and height of members of athletic teams.
- D. School Official means:
 - Any person employed by the University in an administrative, supervisory, academic or research, or support staff position;
 - A person elected to the Board of Trustees;
 - A person employed by or under contract to the University to perform a special task, such as an attorney or auditor or outside vendor. Outside vendors may be school officials when there is a specific contract in place with required FERPA language;
 - An officer of the Department of Public Safety or a student serving on an
 official committee, such as a disciplinary or grievance committee or who is
 assisting another school official in performing his or her tasks.
- **E. Legitimate Educational Interest:** A school official has a legitimate educational interest if the official is:
 - Performing a task that is specified in his or her position description or contract agreement;
 - Performing a task related to a student's education;
 - Performing a task related to the discipline of a student;
 - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid; or
 - Maintaining the safety and security of the campus.

III. Exceptions to the Definition of Education Record

- **A.** A personal record kept by a faculty or staff member that is kept in the sole possession of the maker of the records, and not accessible or shared with anyone other than a temporary substitute for the maker of the record. (e.g. an annotated seating chart)
- **B.** Law enforcement records created solely for law enforcement purposes.
- **C.** An employment record of an individual whose employment is not contingent on the fact that he/she is Student.
- **D.** Alumni records created after a Student is no longer in attendance and do not relate directly to their attendance as a Student.
- **E.** Treatment records of a health care professional if used only for treatment.
- **F.** Peer-graded papers.

IV. Student Access to Records

A Student may inspect his/her record upon request, subject to the exceptions below. The University may require the Student to present his/her request in writing and may require appropriate identification. This grants only the right to view the records, and not

necessarily to be given a copy of the record. If distance makes it impossible for a student to come to campus and view the record, then a copy will be provided. Access is to be granted as soon as possible, but no later than 45 days from the date of the written request.

Exceptions to Student Access

- Documents to which the Student has waived access, such as letters of recommendation.
- Financial data submitted in confidence by the Student's parents.
- An application to another unit of the University where the Student was not accepted
 or did not matriculate.
- Records containing information on more than one Student. The requesting Student has a right only to see those documents that pertain to his/her Education Records.

V. Student Right to Amend the Record/Request Hearing

A Student may ask that the Education Record be changed or amended if the Student believes the information is not accurate. An academic record may only be amended by the University Registrar or the Vice President for Enrollment Management, in consultation with the respective dean. Similar responsibility is exercised by the Dean of Students in consultation with the Vice President for Student Affairs.

If the request for a change is denied, the Student will be notified and advised of the right to request a hearing to challenge any information believed to be inaccurate, misleading or in violation of the Student's privacy rights. The student has 30 days to file a formal appeal with the Provost and request a hearing, who shall refer the issue to a standing committee or designate a hearing committee, to be comprised of equal Students and faculty, along with an officer of the administration other than the one who denied the request for a change.

The Student will be given notice of date, time and place of the hearing, and will receive a full and fair opportunity to present evidence relevant to the issues raised. The Student may be assisted by one or more individuals, including an attorney. The University will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. The decision of the hearing committee shall be final, except that administrative recourse to the President of the University always remains open.

If the University decides that the information is inaccurate, misleading, or in violation of the Student's right of privacy, it will amend the record and notify the Student, in writing, that the record has been amended. The challenge to be considered in such hearing may extend only to the material in the respective University file; it may extend to the correct recording of a grade but not to the appropriateness of the grade. If the University decides that the challenged information is not inaccurate, misleading, or in violation of the Student's right of privacy, it will notify the Student of the right to place in the record a statement commenting on the challenged information and a statement setting forth reasons for disagreeing with the decision. Such a statement shall become a part of the information contained in the Education Record and will be disclosed with it.

VI. Disclosure of Records without Student Consent

The Catholic University of America will disclose information from a Student's education records only with the authorization of the Student, <u>except</u> that the records may be disclosed without consent in the following situations:

- A. The disclosure is to School Officials who have a Legitimate Educational Interest in the Education Records. The determination as to whether or not a Legitimate Educational Interest exists is made on a case-by-case basis. When there is any question regarding the request, the employee should withhold disclosure until obtaining consent from the Student, or the concurrence of a supervisor or other appropriate official that the record may be released.
- **B.** To officials of another school, upon request, in which a Student **seeks or intends to enroll.** The Student shall receive notification of the disclosure unless the student initiated the disclosure.
- **C.** School Officials or lending institutions, in connection with **financial aid** for which the Student has applied or which the Student has received, if the information is necessary enforce the terms and conditions of the aid or to determine:
 - eligibility for the aid;
 - the amount of the aid; or
 - the conditions for the aid.
- **D. Parents of a dependent Student**, as defined in Section 152 of the Internal Revenue Code of 1954. The parent must provide a copy of their most recent federal income tax return establishing the Student's dependency, or the Student may have filled out a form claiming their dependent status. Full rights under the act shall be given to either parent, unless the institution has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes those rights.

The University also has the discretion to disclose to any parent or legal guardian of a student under the age of 21 information about a violation of any federal state or local law, or any rule or policy of the institution governing the use or possession of alcohol or a controlled substance if the University determines that the Student has committed a disciplinary violation with respect to such use or possession.

- **E.** In connection with an emergency, appropriate persons, including parents, if the knowledge of such information is necessary to protect the health or safety of the Student or others.
- **F.** To comply with a **judicial order** or lawfully issued subpoena, provided the University makes a reasonable effort to notify the Student of the order or subpoena in advance of compliance. Notification may be prohibited if the University receives a federal grand jury subpoena or any other subpoena which states that the Student should not be notified. The Office of the General Counsel shall be consulted prior to release of the record.
- **G.** To an alleged victim of any crime of violence, the final results of any disciplinary proceeding conducted by the University against the alleged perpetrator. The Office of the General Counsel shall be consulted prior to release of the record.
- **H.** The final results of any disciplinary proceedings in which a Student was found to have committed acts that would constitute a crime of violence or statutory rape.
- I. Information the University has designated as "Directory Information", unless a hold has been placed upon release of the information by the Student. This is permissive on the part of the University, in other words, there is no requirement that the University disclose directory information. Students may opt to have directory information withheld by filing a request in writing with Enrollment Services.
- J. To the court those records that are necessary to defend the University when a student initiates legal action against the University. A transcript of a student's official academic record contains information about his or her academic attainment and status exclusively. Only the Registrar is authorized to issue transcripts or to certify in

- any way the official academic record of a student. An official transcript request is issued only when requested by the student in writing.
- K. 34 CFR § 99.31 lists other less commonly used exceptions to the general rule of no release without permission from the student. Note that medical, counseling and psychological records (treatment records) are only disclosed in accord with District of Columbia law and applicable codes of professional responsibility.

SEXUAL OFFENSES POLICY

The University affirms that sexual relationships are designed by God to be expressed solely within a marriage between husband and wife. Sexual acts of any kind outside the confines of marriage are contrary to the teachings and moral values of the Catholic Church and are prohibited in the University's <u>Code of Student Conduct</u>. The Catholic University of America promotes respect for persons' bodily integrity, chastity, and the sacredness of human sexuality.

While sexual activity outside of marriage violates the Church's teaching and the University's <u>Code of Student Conduct</u>, "sexual offenses," defined below, are unlawful behavior that will not be tolerated; violations can result in disciplinary sanctions including expulsion, as well as criminal prosecution or other legal action.

The University encourages reporting of sexual offenses and seeks to remove any barriers to making a report. At times, students may be hesitant to report a sexual offense to University officials because they are concerned that they may be subject to student conduct action for lesser policy violations such as visitation or alcohol violations, or consensual conduct that occurred prior to or during the incident. This behavior is not condoned by the University, but the importance of dealing with an alleged sexual offense is the paramount consideration to the University. Consequently, students who report a sexual offense in good faith, as a complainant or witness, will not be subject to student conduct action for other policy violations that occurred during the incident as long as such violations did not place the health and safety of any other person at risk. The University may, however, require students to participate in educational activities or health interventions for any conduct that comes to the University's attention.

Students who report sexual offenses shall be informed of and encouraged to use all appropriate University, law enforcement, and community resources. Students accused of sexual offenses shall be informed of and encouraged to use all appropriate University and community resources and shall receive due process in accordance with University policies and procedures.

This policy applies when a violation is alleged against a student. Additional information about the applicability of Title IX is outlined below and on the University's <u>Title IX Website</u>.

Actual or threatened retaliation, or any act of intimidation to prevent or obstruct the reporting of a sexual offense or the participation in proceedings related to a sexual offense, is prohibited.

The University believes that no person should bear the effects of a sexual offense alone. When such incidents occur, the University's paramount concern is for the safety, health, and well-being of those affected. To support and assist students, the University provides a wide range of services and resources. Please see the section below on Resources for Medical, Counseling and Pastoral Care and the Dean of Student's <u>Sexual Assault and Violence Education Website</u>.

Prohibited Conduct and Definitions²

A. Sexual Offense

Sexual Offenses are prohibited in all forms. "Sexual Offense" is a broad term encompassing a range of behavior including, but not limited to: sexual assault; sexual harassment; dating violence; domestic violence; stalking; indecent exposure; sexual exhibitionism; use of communication systems to send unwanted sexual material and messages; prostitution or the solicitation or employment of a prostitute; peeping or other voyeurism; allowing others to view consensual sexual activity; the non-consensual video or audio recording of sexual activity; or any conduct prohibited by applicable law.

The definitions below describe the minimum legal standards for conduct, and they set forth terms that help determine criminal liability and legal responsibility. The University and the Church have higher expectations. They affirm that sexual activity is intended by God as an expression of love and commitment between a husband and wife, and therefore belongs exclusively within marriage. Sexual activity by unmarried persons lacks that essential level of commitment and responsibility, and harms moral growth and development. It undermines the Christian view of sexual activity embraced and promoted by the Church and the University, a view which insists upon mutual respect, moral integrity, and the sacredness of human sexuality.

1. Sexual Assault

Sexual Assault is sexual intercourse or sexual contact with another person without consent. Sexual assault is a criminal offense under D.C. law and includes the following:

- 1. Oral, vaginal, or anal penetration, no matter how slight, with any object or body part without consent.
- Non-consensual touching of another person in a sexual manner.
 This includes, but is not limited to, the touching either directly or through clothing of another person's genitalia, breasts, inner thigh, or buttocks with a clothed or unclothed body part or object.

2. Sexual Harassment

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when either:

- 1. submission to the conduct is made a term or condition of an individual's employment or education; or
- 2. rejection of the conduct is used as a basis for decisions affecting an individual's education or employment, or
- 3. inappropriate or unwelcome conduct based on protected status is so severe or pervasive that it alters the conditions of education, employment, or participation in a program or activity, thereby creating an environment that a reasonable person in similar circumstances would find hostile. A single or isolated incident of harassment may create a hostile environment if the incident is sufficiently severe.

² While these definitions are derived from applicable law, the prohibited conduct described in this section encompass more than conduct proscribed by law.

Because the University expects a higher standard of behavior than the law requires, inappropriate conduct that does not rise to the level of a hostile environment may still violate this policy.

3. Dating Violence

Dating violence means felony or misdemeanor crimes of violence committed by another person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: a) the length of the relationship, b) the type of relationship, or c) the frequency of interaction between the persons involved in the relationship.

4. Domestic Violence

Domestic violence means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the District of Columbia, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the District of Columbia.

5. Stalking

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

A student can face significant disciplinary sanctions, including expulsion, as well as criminal prosecution or other legal action, for committing asexual offense.

B. Consent

Consent is informed, freely given, mutually understandable words or actions that indicate a willingness to participate in sexual activity. Effective consent may never be obtained when there is a threat of force or violence, or any other form of coercion or intimidation. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be revoked at any time. Consent cannot be obtained from someone legally prevented from giving consent by their age or from someone who is unable to understand or who cannot communicate a lack of consent. This includes someone who is incapacitated due to drugs, alcohol, or some other condition. Silence or lack of active resistance does not imply consent. Voluntary intoxication is not an excuse for failure to obtain consent.

C. Incapacitation

Incapacitation means the inability, temporarily or permanently, to give consent, because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. The impact of alcohol and drugs and medications will vary from person to person. Warning signs that a person may be approaching incapacitation may include, but are not limited to, vomiting, incoherent speech, and difficulty walking or standing up. The perspective of a sober, reasonable person in the position of the respondent will be the basis for determining whether a respondent should have been aware that the complainant was incapacitated and

therefore unable to consent.

D. Mandatory Reporter

Mandatory reporter means an employee who has:

- The authority to take action to redress sexual violence or other sexual offenses; or
- Been given the duty of reporting incidents of sexual violence or other sexual
 offenses to the Title IX Coordinator, or who a student could reasonably
 believe has this authority or duty.

See a list of the University Mandatory Reporters.

Reporting Sexual Offenses

Filing a report of an alleged sexual offense does not obligate a student to participate in the disciplinary process. A student always has the option to pursue a criminal complaint, to pursue the University's disciplinary process, or to pursue both processes simultaneously.

A. Where to Make a Report

To report a sexual offense, contact any of the following:

- The Department of Public Safety (DPS) at tel. (202) 319-5111, or
- The Title IX Coordinator at tel. 202-319-4177, <u>TITLEIX-COORD@cua.edu</u>, Leahy Hall, or
- The Dean of Students at tel. (202) 319-5619, sawyerj@cua.edu, Pryzbyla Center, Suite 353.

An individual who has been subjected to a sexual offense is always free to report it directly to local law enforcement, but also should contact DPS, who will assist him or her in contacting the appropriate authorities.

If a report of a sexual offense is made to any staff or faculty member of the University who is a Mandatory Reporter (defined above), the faculty or staff member must contact either the Title IX Coordinator, DPS, or the Dean of Students.. All other members of the University community, except those designated as confidential resources in legally-protected roles (see section III.C below) are strongly encouraged to report sexual offenses.

B. Privacy

The University is committed to protecting the privacy of all individuals involved in a reported sexual offense. Information related to a report of an offense, aside from information disclosed to persons in legally-protected roles as described below, will only be shared with individuals whose duties require access to such information. No other persons will receive any information related to the report or investigation absent a valid subpoena or court order.

If a reported sexual offense discloses an immediate threat to the campus community, the University shall issue a timely notice of the incident in the interests of the health and safety of the campus community.

C. Confidentiality

If a report is made to the University, the University also recognizes that a complainant may desire confidentiality and may not want the University to investigate or attempt

to resolve the incident. While the University will make every reasonable effort to honor the complainant's request for confidentiality, the University must balance this request against its responsibility to protect the community. In light of this responsibility, the University reserves the right to investigate and to take whatever steps are necessary to ensure a safe and nondiscriminatory environment for all students. When the University cannot comply with a student's request for confidentiality, the University will consult with that individual and keep the student informed throughout the process.

If an individual desires to seek confidential assistance without a report to the University, that individual may speak with certain persons in legally-protected roles. Information disclosed about the alleged offense to persons in legally-protected roles acting in their professional capacities may not be revealed to any other person without the express permission of the disclosing individual, unless there is an immediate threat to health or safety, the conduct involves the abuse of a minor (see section IX, below), or there is another basis for disclosure permitted or required by law. Legally-protected roles where confidential assistance may be sought include:

- Professional mental health counselors (including but not limited to those in the University Counseling Center)
- 2. Physicians and others licensed to practice medicine in the District of Columbia who are acting in their health care role per D.C. Code §14.307 (including but not limited to those in University Student Health Services)
- 3. Clergy when the communication is made in their professional capacity of giving religious or spiritual advice, and
- 4. Appropriately licensed rape crisis/sexual assault counselors

Note: If the employees listed in the categories above are made aware of crimes or offenses *outside* of their professional capacities, those employees may be considered mandatory reporters (defined above) for reporting sexual offenses.

Non-Retaliation

Actual or threatened retaliation, or any act of intimidation to prevent or obstruct the reporting of a sexual offense or the participation in proceedings related to a sexual offense, is prohibited pursuant to the University's Non-Retaliation Policy and will result in disciplinary action regardless of the outcome of the underlying complaint of a sexual offense.

University Response to Reports of Sexual Offenses

A student who has made a report of a sexual offense will be referred to the Dean of Students, who will appoint a trained resource person to help explain and navigate the available support services. This includes information regarding counseling, educational support, pastoral care, medical treatment, and information about filing a complaint under the Code of Student Conduct for University disciplinary action.

Upon receipt of a report of an alleged sexual offense in which the accused is a current Catholic University student or student employee, the Dean of Students shall issue no-contact orders, as appropriate, to the complainant and the respondent.

The Dean of Students shall also provide assistance to the affected students, such as rearranging class schedules and housing; every effort will be made to accommodate all reasonable requests, to protect the students and the campus community, and to minimize the impact on the students' educational programs.

The University will make every reasonable effort to preserve an individual's privacy and protect the confidentiality of information. At the same time, the University has the responsibility to protect the community at large. In light of this responsibility, certain cases may warrant investigation and resolution beyond the wishes of the individual reporting the incident.

Applicability to Title IX

In addition to being a possible violation of the <u>Code of Student Conduct</u>, some sexual offenses may also fall under the scope of Title IX. Title IX imposes narrower definitions in some areas than this policy. For example, Title IX does not apply to conduct that occurs off campus that is not part of a University program. It also does not apply to conduct that occurs outside of the United States even in the context of a University program.

Similarly, Title IX's definition of sexual harassment requires that it be so severe, pervasive, AND objectively offensive that it effectively denies a person equal access to the University's education program or activity.

To ensure that the University fulfills obligations under Title IX, when a report of a sexual offense is made, the University will initially proceed under the Title IX Policy and related grievance procedures. The Title IX coordinator will determine if the alleged behavior, if proven, would constitute a violation of Title IX once sufficient information is available to make such a determination. If the alleged behavior would constitute a violation of Title IX, the complaint would continue under the Title IX policy and procedures. If the alleged behavior would not constitute a violation of Title IX, the complaint would continue under the procedures for Sexual Offense Grievance Procedures for Students.

A complainant may not circumvent Title IX by dismissing a complaint that would constitute a Title IX violation, if proven, and then filing a similar complaint under this policy.

Resources For Medical, Counseling and Pastoral Care³

It is especially important that students who report having been subjected to sexual assault seek immediate and appropriate medical treatment. Following such incidents, students should not shower, eat, change clothes, or brush teeth prior to seeking medical attention.

Student Health Services (SHS) is open from Monday through Friday from 8 am - 12:30 pm and 1 pm - 5 pm during the academic year and is equipped to provide confidential and professional medical care. SHS can be reached in the Kane Health & Fitness Center or at tel. (202) 319-5744. While the SHS staff is unable to collect evidence for the purposes of pursuing criminal prosecution, they can provide assistance and support when a student requests or requires transportation to the hospital.

The SANE (Sexual Assault Nurse Examiner) Program at Washington Hospital Center (WHC) provides comprehensive nursing care, medical testing, forensic evidence collection, and

³ Compassionate and understanding care should be given to a person who is the victim of sexual assault. Health care providers should cooperate with law enforcement officials and offer the person psychological and spiritual support as well as accurate medical information. A female who has been raped should be able to defend herself against a potential conception from the sexual assault. If, after appropriate testing, there is no evidence that conception has occurred already, she may be treated with medications that would prevent ovulation, sperm capacitation, or fertilization. It is not permissible, however, to initiate or to recommend treatments that have as their purpose or direct effect the removal, destruction, or interference with the implantation of a fertilized ovum. *Source:*Directive 36 of the Ethical and Religious Directives for Catholic Health Care Services, Fifth Edition, United States Conference of Catholic Bishops (November 17, 2009).

support services free of charge within four days (96 hours) of an incident of sexual assault. For those victims who are out of the area, the <u>International Association of Forensic Nurses Website</u> provides a directory where victims can locate a certified forensic examination site worldwide.

Collection of evidence by a SANE nurse does not require that a student file a police report, although a student is always free to do so. The SANE Program will hold evidence collected for 90 days should the complainant choose to file a report with MPD within that time.

A student who goes to a hospital other than WHC may request to be transported to WHC for evidence collection and a physical exam.

The University Counseling Center is staffed by trained professionals who can provide specialized support and assistance to students who have been subjected to a sexual offense. Current students may seek counseling at any time, no matter how long ago the incident occurred. Counseling services also are available to friends of a victim who may need support in assisting the student. The <u>Counseling Center</u> can be reached at tel. (202) 319-5765.

The Campus Ministry staff is trained to provide pastoral counseling and support to students or to friends who wish to support and assist them. <u>Campus Ministry</u> can be reached at tel. (202) 319-5575.

The on-campus resources listed above are available to all Catholic University students including victims, accused students and witnesses in sexual offense cases.

In addition to campus counseling, students may contact local community resources, including the DC Rape Crisis Center (24-hour Hotline: tel. (202) 333-7273)). The <u>Network for Victim Recovery of DC</u> (NVRDC) will send an advocate to the hospital to assist throughout the evidence collection process. A list of community resources and area hospitals is also available at <u>U a.s.k.</u> and in the <u>Office of the Dean of Students</u>.

Prevention Education

The University's Sexual Assault Prevention education is coordinated through the Office of the Dean of Students. Through collaborative efforts with other University departments, the Office of the Dean of Students works to prevent sexual violence and harassment through a variety of educational and awareness programs and initiatives. See Sexual Assault and Violence Education for further information.

University Disciplinary Action

As outlined in the Applicability to Title IX section, some sexual offenses may also fall under the scope of Title IX. These cases will be addressed under the Title IX Grievance Procedures. Sexual offense complaints that do not fall under the scope of Title IX will be addressed under the Sexual Offense Grievance Procedures for Students. University disciplinary action may be taken regardless of whether the offense is also reported as a crime to local police or the subject of any criminal or civil action.

Disciplinary action at the University may proceed while criminal or civil proceedings are pending, and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced, that no criminal charges have been brought, or that any civil action has been dismissed. Penalties shall be administered independent of any pending civil or criminal action or settlement reached. The full range of disciplinary sanctions, including expulsion from the University, may be considered, depending on the nature and severity of the offense.

Mandatory Reporting of Child Sexual Assault/Abuse

The District of Columbia requires that any person over 18 years of age report known or suspected sexual abuse of an individual less than 16 years of age to the <u>D.C. Child and Family Services Agency</u> at tel. (202) 671-7233 or to the <u>Metropolitan Police Department</u> (MPD) at 911.

The District of Columbia also requires that persons in certain occupations and professions report known or suspected mental or physical abuse or neglect of an individual under the age of 18 years of age. The professions are called Mandatory Reporters and include but are not limited to the following: teacher/faculty member, athletic coach, physician, psychologist, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, school official, social service worker, day care worker, and mental health professional. Mandatory Reporters must report information of neglect or abuse learned in their official or professional capacity including whether the child is in immediate danger of such abuse or neglect. Reports must be made to the D.C. Child and Family Services Agency at (202) 671-7233 or to MPD at 911.

Priests are required to report sexual assault or abuse of a minor in accordance with the <u>Archdiocese of Washington Child Protection Policy.</u>

Any employee that makes a report to the D.C. Child and Family Services Agency or MPD must also make a report to the University's Department of Public Safety. Any employee who is unsure or unclear of the responsibilities or legal obligations under this section should contact the Office of General Counsel for advice at tel. (202) 319-5142.

GRIEVANCE PROCEDURES FOR REPORTED SEXUAL OFFENSES

The Catholic University of America's sexual offenses policy affirms its intolerance for sex discrimination and promotes respect for persons' bodily integrity, the virtues of chastity, and the sacredness of human sexuality.

The University will conduct prompt and thorough investigations into all reported instances of sexual offenses. Students who report sexual offenses shall be informed of and encouraged to use all appropriate University, law enforcement, and community resources. Students accused of sexual offenses shall be informed of and encouraged to use all appropriate University and community resources and shall receive due process in accordance with University policies and procedures.

The University's Grievance Procedures for Reported Sexual Offenses are available at deanofstudents.catholic.edu.

CAMPUS RESOURCES

Student Affairs and Student Services

Athletics	202-319-5286 <u>catholicathletics.com</u>
Campus Activities	202-319-6003
	activities.catholic.edu
Campus Ministry	202-319-5575
	ministry.catholic.edu
Center for Academic and Career Success	202-319-5623 success.catholic.edu
Center for Cultural Engagement	202-319-5637 cultural.catholic.edu
Counseling Center	
	<u>counseling.catholic.edu</u>
Dean of Students	202-319-5619 deanofstudents.catholic.edu
Dining Services	202-319-5295
	dineoncampus.com/catholic
Disability Support Services	202-319-5211 (TTY) 202-299-2899 dss.catholic.edu
Enrollment Services	
	(toll-free) 800-787-0242 enrollment-services.catholic.edu
Financial Aid	202-319-5307
	(toll-free) 888-635-7788
	<u>financial-aid.catholic.edu</u>
Housing Services	202-319-5615 housing.catholic.edu
Public Safety	202-319-5111 public-safety.catholic.edu
Residence Life	202-319-5619 residencelife.catholic.edu
Student Conduct and Ethical Developmentdean	
Student Health Services	
Season Housen Sci Vices	health.catholic.edu
Transportation and Parking Services	202-552-7275
	transportation.catholic.edu

University Online

General Announcements	<u>home.catholic.edu</u>
Academic Departments	catholic.edu/academics
University Calendars	<u>catholic.edu/events</u>
University Policies and Procedures	policies.catholic.edu
Academic	
School of Architecture and Planning	202-319-5188
	Architecture.catholic.edu
School of Arts and Sciences	202-319-5114
	arts-sciences.catholic.edu
The Busch School of Business	202-319-5290
	business.catholic.edu
School of Canon Law	
	canonlaw.catholic.edu
School of Engineering	202-319-5160
	engineering.catholic.edu
Columbus School of Law	202-319-5140 law.edu
Benjamin T. Rome School of Music, Drama, and Art	
benjamin 1. Kome school of Music, Drama, and Art	music.catholic.edu
Conway School of Nursing	
	nursing.catholic.edu
School of Philosophy	202-319-5259 philosophy.catholic.edu
Manualitan Cabaal of Bustonianal Chadia	
Metropolitan School of Professional Studies	
	<u>metro.catholic.edu</u>
National Catholic School of Social Service	202-319-5458 ncsss.catholic.edu
School of Theology and Religious Studies	
School of Theology and Kenglous Schales	trs.catholic.edu
	us.camonc.edu

For questions or concerns regarding the information listed in this guide, please speak with a representative from the Office of the Dean of Students, located in Suite 353 of the Pryzbyla Center. You may contact our office by phone at 202-319-5619, or by email at cua-deanofstudents@cua.edu.

Office of the Dean of Students 620 Michigan Ave., N.E. Washington, DC 20064

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