

# Fontbonne University

## Policy Manual Volume II

### Campus Community Policies



**2024**

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## **Volume II**

### **CAMPUS COMMUNITY POLICIES**

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## **2.0 CAMPUS COMMUNITY POLICIES**

The policies provided in this Volume II of the Policy Manual pertain to all members of the University community. All members of the University community should read, understand, and comply with all provisions of Volume II.

Volume II was developed to describe some of the expectations of members of the campus community and to outline the policies, programs, and benefits available. The University reserves the right to change these policies and practices at any time. The University shall inform members of the University community of changes. Volume II of this manual should not be considered an all-inclusive list of the University's policies.

Policies and benefits set forth in Volume II of this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the University and any of its employees or members of the University community. The University hopes that your experience here will be challenging, enjoyable, and rewarding.

## **2.1 GENERAL INSTITUTIONAL POLICIES**

### **2.1.1 Institutional Policy on Equal Employment Opportunity**

It is the policy of Fontbonne University to afford equal employment opportunity to qualified individuals, regardless of their race, color, religion, age, sex, gender identity, sexual orientation, national origin, disability, or genetic information, and will conform to all applicable state and federal laws and regulations. In keeping with the intent of this policy, the University will adhere to the following personnel practices:

1. Recruitment, hiring, and promotions of individuals in all job classifications will be conducted without regard for race, color, religion, age, sex, gender identity, sexual orientation, national origin, disability, genetic information, or any other characteristic protected by law.
2. All other personnel actions such as compensation, benefits, transfers, training and development, educational assistance, and social and recreational programs will be administered without regard to race, color, religion, age, sex, gender identity, sexual orientation, national origin, disability, genetic information, or any other characteristic protected by law.

Overall, responsibility for the development and execution of this policy is delegated to the Director of Human Resources as EEO Coordinator.

### **2.1.2 Institutional Policy on Discrimination and Harassment**

#### **2.1.2.1 NOTICE OF NON-DISCRIMINATION**

Fontbonne University does not discriminate on the basis of race, color, religion, age, sex, gender identity, sexual orientation, national origin, disability, genetic information, or any other characteristic protected by applicable law in employment or in the administration of its educational policies, admission policies, educational programs, scholarship and loan programs, or athletic and other programs and activities. Furthermore, Fontbonne University prohibits retaliation against anyone who either opposes unlawful discrimination, assists or participates in an investigation of a complaint of discrimination, or exercises that person's rights under any law that forbids discrimination.

The Fontbonne University coordinator for Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Titles VI and VII of the Civil Rights Act of 1964 and other laws and regulations prohibiting discrimination is:

Director of Human Resources  
Fontbonne University  
6800 Wydown Boulevard  
St. Louis, MO 63105  
Phone: (314) 889-1493  
Email: rkarasek@fontbonne.edu

The Fontbonne University Title IX Coordinator and Deputy Coordinators for Title IX of the Education Amendments of 1972 are:

Title IX Coordinator  
Janelle Julian  
Fontbonne University  
6800 Wydown Boulevard  
St. Louis, MO 63105  
Phone (314) 719-8057  
Email: jjulian@fontbonne.edu

Deputy Coordinator for Athletics  
Danielle Doerfler  
Director of Athletics  
Fontbonne University  
6800 Wydown Blvd.  
St. Louis, MO 63105  
Phone: (314) 889-4540  
Email: ddoerfler@fontbonne.edu

Deputy Coordinator for Employees  
Ray Karasek, Vice President for Operations  
Fontbonne University  
6800 Wydown Boulevard  
St. Louis, MO 63105  
Phone: (314) 889-1493  
Email: rkarasek@fontbonne.edu

Questions about this non-discrimination policy and any complaints of discrimination shall be directed to the appropriate coordinator. Fontbonne University complies with the Family Educational Rights and Privacy Act.

## **2.1.2.2 ACCOMMODATIONS**

### **Religious Accommodations**

Consistent with its commitment to providing equal employment opportunities to all individuals, Fontbonne University will reasonably accommodate an employee's sincerely held religious belief if the accommodation would resolve a conflict between the individual's religious belief or practices and a work requirement unless doing so would create an undue hardship for the University. Requests for religious accommodations should be directed to the Director of Human Resources.

Fontbonne University prohibits any form of retaliation against an individual for requesting a religious accommodation.

### **2.1.2.3 POLICY PROHIBITING HARASSMENT**

Harassment based on an individual's race, color, religion, age, sex, gender identity, sexual orientation, national origin, disability, genetic information, or any other characteristic protected by applicable law is not tolerated at Fontbonne University. Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based on a person's protected status. Examples of harassing conduct may include epithets, slurs, jokes, teasing, kidding, negative stereotyping, and threatening or hostile acts that relate to an individual's protected status and physical acts of aggression, assault, or violence, regardless of whether these acts are being, or have been, investigated as criminal offenses by a law enforcement agency.

Any written or graphic material, including any electronically transmitted or displayed material, that likewise denigrates or shows hostility toward members of these protected groups is considered harassment. Fontbonne University will not tolerate harassing conduct that:

- a) creates an intimidating, hostile or offensive working or academic environment.
- b) affects tangible employment benefits.
- c) interferes unreasonably with an individual's working or academic environment or performance.

This policy applies to complaints alleging harassment carried out by 1) University employees, 2) University students, and 3) third parties.

Subsections 2.1.2.4 to 2.1.2.7 apply to all claims of discrimination except those for sex or gender discrimination protected under Title IX of the Education Amendments of 1972 ("Title IX"). Provisions governing the processing and complaints of sexual or gender discrimination are prescribed by the Department of Education regulations effective August 14, 2020, and are separately set forth in Subsection 2.2.1.8.

### **2.1.2.4 REPORTING PROCEDURES - GENERALLY (EXCLUDING SEX AND GENDER)<sup>1</sup>**

All employees and students have the responsibility to ensure that Fontbonne University's non-discrimination and anti-harassment policies are effective. Any University employee or student who experiences, observes, hears, or otherwise witnesses unlawful discrimination or harassment based on a person's protected characteristic as described in Sections 2.1.2.1 and 2.1.2.3, or who receives a report of such unlawful discrimination or harassment of which one or both is carried out by 1) University employees, 2) University students, or 3) third parties must immediately notify the appropriate compliance coordinator ("Coordinator") identified above.

If a report of discrimination or harassment alleges involvement of the Coordinators identified above, then the report of discrimination or harassment may be made to the Provost.

The University will thoroughly and promptly investigate all complaints and take corrective or disciplinary action when appropriate. Likewise, the University will initiate a thorough investigation and take corrective or disciplinary action as appropriate against incidents of discrimination or harassment that come to the University's attention in compliance with this process,

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<sup>1</sup> Procedures for the processing of complaints of sex or gender discrimination are set forth in Section 2.1.2.8.

Fontbonne University will investigate every harassment and discrimination complaint thoroughly, promptly and impartially and the parties will be given an opportunity to present witnesses and provide evidence as provided by the process prescribed below. Fontbonne University will evaluate all relevant information and documentation relating to a complaint of discrimination or harassment. All investigations shall be conducted in a sensitive manner and, to the extent feasible, confidentiality will be honored. The investigation and all actions taken will be shared only with those who have a need to know. The investigation findings will be documented, and the complainant and the alleged harasser will be kept advised of the progress of the investigation and of the University's final determination. If, after investigation, Fontbonne University determines that an employee or student has engaged in illegal discrimination or harassment, appropriate disciplinary action, up to and including discharge or dismissal, will be taken against the offending individual. Fontbonne University will take prompt steps to prevent recurrence of any harassment or discrimination and correct its discriminatory effects on the complainant and others, as appropriate. In addition, the University will take immediate steps to stop any retaliation and prevent its recurrence against the alleged victim and any person(s) associated with the alleged victim.

In the event that the complaint involves an employee of the University, a complaint of alleged discrimination or harassment may also coincide with a Grievance (see online policy manuals, Volume V, paragraph 5.9). At the discretion of the University Administration, separate investigations may be conducted, or the investigations may be merged. **Where allegations of sexual misconduct, discrimination and/or harassment are brought against a student or student group, they will be handled via the policies and procedures in Subsection 2.1.2.8 of Policy Manual Volume 2.** The University will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure.

### **2.1.2.5 INVESTIGATION PROCEDURES – GENERALLY (EXCLUDING SEX AND GENDER)**

Fontbonne University will provide a prompt, equitable resolution of complaints of discrimination.

#### **2.1.2.5.1 Level I - Informal Procedure**

Informal procedures are designed to work out a mutually agreeable solution to a problem and are completely optional and voluntary. Any informal resolution activities will not delay the prompt, adequate, reliable, and impartial investigation of the complaint of discrimination or harassment nor shall it interfere with the provision of immediate or interim actions, if necessary. Informal procedures are not appropriate for cases involving sexual misconduct and will therefore move immediately to a formal procedure as defined in the below paragraph 2.1.2.5.2.

At the option of the complainant only, it may be possible to resolve a harassment or discrimination complaint through a voluntary conversation between the complainant and the alleged harasser or discriminator, which is facilitated by a University designee appointed by the Vice President for Operations (or Vice President for Finance and Administration if the complaint is against the Vice President for Operations). If the complainant, the accused, and the University designee feel that a resolution has been achieved through this informal procedure, then no further action need be taken. Fontbonne University recognizes that a voluntary conversation between the complainant and the alleged harasser may not be appropriate for harassment complaints. The results of any informal resolution shall be reported by the University designee in writing, signed by the complainant and the accused, and submitted to the Vice President for Operations for employee situations and Executive Director of Students Affairs for student situations. In addition, the complainant's and alleged harasser's respective ELT members shall be informed.

#### **2.1.2.5.2 Level II - Formal Procedure**

The complainant shall submit a written and signed complaint with the Coordinator which clearly states the particulars concerning each incident of harassment or discrimination, including:



- a) the name and position of the accused
- b) the nature of discrimination or harassment
- c) the date(s) when the alleged harassment or discrimination occurred
- d) the details of the alleged conduct including any information that would support the complaint
- e) the redress that is sought

The University will conduct a prompt, thorough and unbiased investigation into the matters described in the written complaint. In the absence of a written complaint, the University will investigate any discrimination or harassment that may come to its attention through an oral report or other method. Such investigation will be considered a formal procedure.

The Coordinator shall inform the respective ELT member(s) in whose area the accused and accuser are employed of the complaint or in the case of students shall inform the Executive Director for Student Affairs. As noted above, the Coordinator will promptly investigate the complaint or will appoint a University designee to promptly investigate the complaint. The complainant and the accused will each be interviewed, as will witnesses identified by the complainant, accused, or other witnesses, as the University deems appropriate.

Within twenty (20) working days after the conclusions of the final investigation interview, the Coordinator (or University designee, if applicable), will prepare investigation findings and, if appropriate, determine any corrective or disciplinary action to be taken. The Coordinator will inform the appropriate ELT member(s) or Deputy of the findings of the investigation. Both the accused and the complainant will be informed in writing of the findings of the investigation by the Coordinator within three (3) working days of the preparation of findings and, if appropriate, determination of corrective or disciplinary action.

#### **2.1.2.6 APPEAL PROCEDURES – GENERALLY (EXCLUDING SEX AND GENDER)**

Individuals requesting an appeal of the findings of an investigation of a harassment or discrimination complaint must appeal in writing to the Provost within ten (10) working days of being informed of the findings of the investigation.

If an individual requests an appeal, the appeal must be in writing, and, if applicable, it must cite any alleged procedural or substantive error that occurred during the investigation, if applicable, and provide an account of any new information that has become available since the investigation was conducted.

Within ten (10) working days after receipt of the written appeal, the Provost must meet with the complainant and with the alleged harasser or discriminator. The written decision of the Provost shall be issued within five (5) working days of the latter of these two meetings and shall be final and binding. If the underlying allegations involve the Provost, then written request for appeal shall be made to another member of the Office of the President.

#### **2.1.2.7 RETALIATION PROHIBITED**

Fontbonne University prohibits retaliation against any person who makes a complaint of discrimination or harassment, opposes discrimination or harassment, or testifies, assists or participates in an investigation proceeding or hearing relating to such discrimination or harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment or treatment based upon retaliatory motive that is reasonably likely to deter protected activity.

## **2.1.2.8 PROCEDURES FOR CLAIMS OF SEX/GENDER DISCRIMINATION**

Below are the procedures for processing claims of sex and gender discrimination:

### **2.1.2.8.1 Sexual Harassment Defined**

Sexual harassment is unwelcome conduct on the basis of sex that a reasonable person would find to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the University's education programs or activities. Sexual harassment consists of quid pro quo harassment, hostile environment harassment, sexual assault, dating violence, domestic violence, and stalking.

Sexual harassment may be verbal, physical, visual or electronic and include but not be limited to unwanted sexual advances; explicit sexual propositions; displaying sexually suggestive objects, pictures or materials; sending sexually suggestive text messages, pictures or other content; sexual innuendo; sexually-oriented verbal abuse; sexually suggestive comments; unwanted contact such as touching, patting, stroking, pinching, or brushing against another's body; sexually oriented kidding, teasing or practical jokes; jokes about gender specific traits; derogatory statements or sexually suggestive postings online or in any social media platform; foul or obscene gestures or language; and physical acts of aggression, assault, or violence, regardless of whether these acts are being, or have been, investigated as criminal offenses by a law enforcement agency (such as rape, sexual assault or battery, and stalking) made against a person's will or where a person is incapable of giving consent due to victim's age, intellectual disability, or use of drugs or alcohol. Sexual harassment also involves inappropriate conduct toward an individual which, although not motivated by sexual desire, would not have occurred except for that person's sex or gender.

### **2.1.2.8.2 Reporting Procedures**

Any person who believes that he or she was the subject of harassment (the "Complainant"), may report sexual harassment to the University's designated Title IX Coordinator. Any person who believes that he or she is aware of others being subject to sexual harassment may report the facts to the Title IX Coordinator. Reports can be made in person, by mail, telephone, e-mail, or any other method approved by the University. Upon receiving actual knowledge of sexual harassment, the University will respond promptly and impartially. The Title IX Coordinator will immediately contact the Complainant to discuss the availability of supportive measures, with or without the filing of a formal complaint, and how the Complainant can file a formal complaint against the alleged harasser ("Respondent"), if he or she so chooses.

The University will not tolerate any retaliatory actions taken by a party after reports of sexual harassment have been made. Retaliatory actions could be intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX. Retaliatory actions include, but are not limited to, threats of civil litigation against the Complainant for defamation, or spreading rumors intended to intimidate the Complainant from filing a complaint. Disciplinary action will be taken as necessary.

### **2.1.2.8.3 Supportive Measures**

Upon receiving actual knowledge of sexual harassment, and without the necessity of filing a formal Complaint, the University will immediately contact the Complainant to offer supportive measures at no cost. If a formal complaint is filed, supportive measures will be offered to both the Complainant and the Respondent, without cost. Such measures are not disciplinary in nature and are designed to restore or preserve equal access to education programs. Supportive measures may include, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will keep confidential any supportive

measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

On an emergency basis, the University may remove a Respondent provided that the University first determines, through an individualized safety and risk analysis, that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of harassment. If such order is issued, the University will promptly provide Respondent with notice of the opportunity to challenge and appeal the decision immediately after removal.

The University may also choose to place a non-student employee Respondent on administrative leave during the entire grievance process.

#### **2.1.2.8.4 Formal Complaints**

An investigation or proceeding will commence upon the filing of a formal written complaint either 1) prepared and executed by the Complainant or 2) prepared and executed by the Title IX Coordinator or Deputy Coordinator that the report of harassment is not “clearly unreasonable based on the consideration of all relevant factors.” A formal complaint will only be accepted if, at the time of filing, the Complainant is participating in or is attempting to participate in the school’s education programs or activities and the incident is alleged to have occurred at a location where the University exercises substantial control over the event and/or the site. The University will take measures to ensure that no conflicts of interest exist between the Title IX Coordinator, investigators, the decision-maker, or other University officials and any party participating in the grievance process.

If the University receives new allegations at any point during a grievance process, the University will send a detailed written notice to both parties informing them of the new allegations.

#### **2.1.2.8.5 Notice of Commencement of Proceeding**

On receipt of a formal complaint, a notice of commencement of proceedings shall be issued to the Complainant and Respondent. The notice of commencement shall include the following:

- a) Notice of the allegations, including sufficient details known at the time and with sufficient time to prepare a response before an initial interview. Details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The investigation and hearing process should be described. Absent highly unusual circumstances, the formal complaint should be provided to the Respondent.
- b) A presumption that the Respondent is not responsible for the alleged conduct until a final determination is made at the conclusion of the grievance process.
- c) A request that the Complainant and the Respondent identify any witnesses to be interviewed for purposes of the investigation.
- d) A notice to the parties that they have a right to an advisor of their choice, who may be an attorney.
- e) A warning that any false statements are prohibited and will be subject to disciplinary action.
- f) That confidentiality is requested, but not to be applied so as to restrict the ability of either party to discuss the allegations or gather and present relevant evidence.
- g) Each party is entitled to advance notice of any interviews with sufficient time to prepare for participation in the interview.

- h) Each party has an equal opportunity to inspect and review any evidence gathered during the investigation, including inculpatory and exculpatory evidence, including evidence to be relied upon at a hearing. Each party will have at least ten days to submit a written response to the evidence which the investigator must consider before finalizing the investigation. The decision will be based on an objective view of the evidence and the University participants will have previously had Title IX training and will disclose their training to the parties.
- i) The investigation will result in a written investigative report that fairly summarizes the investigation. This report is to be issued at least ten days prior to any hearing.
- j) The standard of review for the hearing will be the preponderance of the evidence, defined as more likely than not.
- k) Notification that sanctions for a final determination may range from counseling and education to suspension and expulsion.

The grievance process will comply with the above requirements.

#### **2.1.2.8.6 Dismissal of the Proceeding**

At any point in the investigation, if the University determines that the conduct alleged in a formal complaint, if assumed true, either 1) does not constitute sexual harassment; 2) did not occur in the University's education programs or activities; or 3) did not occur against a person in the United States, then the University must dismiss the complaint. The University may dismiss the complaint at any time if 1) a Complainant requests, in writing, to withdraw the complaint; 2) the Respondent is no longer enrolled or employed by the University; 3) specific circumstances prevent the University from gathering evidence sufficient to reach a determination.

#### **2.1.2.8.7 Investigation**

The filing of a formal complaint will initiate an investigation. This investigation will ultimately result in the production of an investigative report, and subsequently, a proposed determination of responsibility. During the investigation, the University will provide an equal opportunity for the parties to present witnesses, gather evidence, and discuss the allegations under investigation. Both parties will be provided sufficient time to prepare before an interview is conducted as well as provided advance notice of the date and time of the interview, the location, the identity of participants and the purpose of the interview. Both parties will have the opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. Both parties will have at least ten days to submit a written response to the evidence prior to the issuance of an investigative report, and the investigator must consider anything submitted by the parties in issuing the investigative report.

Throughout the investigation, the University will evaluate all relevant information and documentation relating to a complaint of discrimination or harassment. All investigations shall be conducted in a sensitive manner and, to the extent feasible, confidentiality will be honored.

The burden of proof on gathering evidence and finding harassment is on the University. The University may not access a party's health, psychiatric or counseling records without written consent.

A party may elect to be accompanied by an advisor to interviews and meetings. The University may limit the participation of an advisor in any meetings or interviews provided the limitation is imposed on both parties.

The University will fully and impartially investigate all formal complaints until they are either dismissed or the decision-maker or parties arrive at a final resolution.

#### **2.1.2.8.8 Hearings**

The University will provide for a live hearing during the process. Written notices will be sent to the parties allowing them sufficient time to prepare for such hearings. All hearings will be live hearings with the University's decision-maker presiding over the process, and each party is entitled to be present with their advisor. If a party does not have an advisor at a hearing, the University must provide an advisor, who may be an attorney, at no cost to that party.

Each party's advisor will be entitled to ask the other party and any witnesses all relevant questions and follow-up questions. Any cross-examination at a hearing must be conducted directly, orally (allowing for appropriate accommodations), and in real time. The decision-maker will determine whether a question is relevant before a complainant, respondent, or witness answers a cross-examination or other question. If the decision-maker finds a question irrelevant, he or she will explain any decision to exclude that question in real time. If a party or witness refuses to submit to cross examination (including failure to appear at the hearing in person or remotely), the testimony or any evidence provided by that person is to be disregarded and no inference is to be drawn from the failure to appear.

At the request of either party, the University will provide technology to allow for examinations to be done while the parties are in separate rooms. If the parties are in separate rooms, both parties must be able to see and hear the other party through the use of technology. Regardless of the form the hearing takes, a video or audio recording, or a transcript will be created and made available to both parties for inspection and review.

The decision-maker presiding over the grievance process will issue a written document containing the determination of responsibility. The decision-maker will be someone other than the Title IX Coordinator. This final written determination will be distributed to the parties simultaneously and will include the allegations potentially constituting sexual harassment, a description of the procedural steps that occurred throughout the grievance process, findings of fact supporting the determination, conclusions derived from those findings of fact, a statement of, and rationale for, the result of each allegation, and directions as to the procedures and permissible bases for either party to appeal. The Title IX Coordinator is responsible for effective implementation of any remedies.

If the University determines that an employee or student has engaged in harassment, appropriate disciplinary action, up to and including discharge or dismissal, will be taken against the offending individual. The University will take prompt steps to prevent recurrence of any harassment or discrimination and correct its discriminatory effects on the Complainant and others, as appropriate. In addition, the University will take immediate steps to stop any retaliation and prevent its recurrence against the alleged victim and any person(s) associated with the alleged victim.

#### **2.1.2.8.9 Consolidation of Formal Complaints**

Where allegations arise from the same facts or circumstances, the University may choose to consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, by more than one Complainant against one or more Respondents, or by one party against the other party.

#### **2.1.2.8.10 Informal Resolution**

Upon the filing of a formal written complaint, if the parties agree, the University may attempt to informally resolve the matter, but only with the written consent of the parties and only after the initial notice to all parties has been issued. The University will provide the parties with different informal processes available to resolve the allegations. This may include mediation with the Title IX Coordinator or another person trained in Title IX acceptable to the parties. Prior to any conclusion of an informal resolution process, any party has the right to withdraw from that process and resume the formal grievance process.

An informal resolution process will not be permitted to resolve allegations that an employee sexually harassed a student.

#### **2.1.2.8.11 Appeal Process**

Upon a determination of responsibility or dismissal of the complaint, the University will promptly notify both parties of their right to appeal the decision on the following bases:

- a) Procedural irregularity that affected the outcome of the matter;
- b) New evidence that was not reasonably available at the time the determination that could affect the outcome of the matter;
- c) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, that affected the outcome of the matter.

Notice of the appeal will be provided to both parties and the Title IX coordinator. The President of the University or a delegate with Title IX training will be appointed to resolve the appeal but the person may not have been involved in the underlying proceedings or have a conflict of interest with any of the parties. The party filing the appeal must submit a statement of the grounds for the appeal with any supporting evidence within fifteen days of the filing of the appeal. The non-appealing party may submit a response within fifteen days. The appealing party may then respond to the filing of the non-appealing party within 10 days. The resolution of the appeal will require the issuance of a written statement to be provided concurrently to the parties.

The University may also grant an appeal on additional bases at its own discretion. If an appeal is granted on a bases not listed above, it will be granted equally to both parties.

#### **2.1.2.8.12 Retaliation**

Retaliation against a party or witness in the proceeding is proscribed. Retaliation is taking adverse action due to a person's participation in the process although the making of any false statement can be subject to discipline. Retaliatory actions could be intimidation, threats, coercion, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX. Retaliatory actions include, but are not limited to, threats of civil litigation against the Complainant for defamation, or spreading rumors intended to intimidate the Complainant from filing a complaint. Disciplinary action will be taken as necessary. Complaints of retaliation under this process will be addressed in the same manner as if the complaint alleged sexual harassment.

#### **2.1.2.8.13 Reporting and Training**

The University will maintain records of proceedings under this process for seven years. The Title IX Coordinator will be responsible for such record keeping.

Records of supportive measures taken in response to a report or formal complaint of sexual harassment will also be kept. In each instance, the University will document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to the University's education programs or activities. If the University does not provide a Complainant with supportive measures, then the University will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

All participants for the University will ensure that they have Title IX training before commencing to fulfill any responsibility under this process. The participants should be prepared to disclose their training if asked by a party in a proceeding.

### **2.1.3 Bias Incident Response Policy**

The Bias Incident Response Policy provided below supplements and does not supersede the provisions of Volume II of the Fontbonne Policy Manuals that govern complaints, investigation, hearings and discipline for discrimination or harassment (the “Volume II Discrimination Procedures”). Conduct within the scope of the Volume II Discrimination Procedures will be processed under those procedures which take precedence over the Bias Incident Response Policy. Anyone making a report under the Bias Incident Response Policy should consider making a complaint under the Volume II Discrimination Procedures. Further, members of the Bias Incident Response Team who learn of conduct that should be processed under the Volume II Discrimination Procedures may be obligated to make such a referral. The Bias Incident Response Policy is intended to supplement the Volume II Discrimination Procedures which should be consulted in the first instance.

#### **2.1.3.1 INTRODUCTION**

Fontbonne University embraces the Sisters of Saint Joseph of Carondelet’s charism of unifying love and living in right relationship as the foundation for diversity, equity, inclusion, and belonging. It is in alignment with our values to address bias incidents and to make efforts to repair harm to relationships caused by bias. Additionally, part of Fontbonne's mission is being committed to the Common Good. To this end, Fontbonne University is committed to providing a diverse and inclusive learning and working environment free from discrimination, harassment and bias.

As indicated above, the Bias Incident Reporting process does not supersede the university's discrimination policies and procedures set forth in Volume II of the Fontbonne Policy Manuals, or academic freedom. Complaints falling within the scope of the Volume II Discrimination Procedures should be processed under those procedures and members of the Bias Incident Response Team may be required to refer such matters for consideration under the Volume II Discrimination Procedures on their own initiative.

#### **2.1.3.2 PURPOSE**

The purpose of the Bias Incident Response Policy is to receive reports of bias incidents, ensure that affected individuals receive resources and support, and coordinate an appropriate response to promote accountability, learning, healing and growth. Rather than seeking a punitive outcome, this process is grounded in restorative practice meant to repair harm and restore relationships.

#### **2.1.3.3 HOW DO WE DEFINE BIAS?**

Bias is prejudice in favor of or against someone or something that is harmful to the university’s commitment to diversity, equity, inclusion and belonging. Biases can be conscious or unconscious – explicit or implicit. Biased behaviors or actions can be intentionally or unintentionally directed towards individuals or groups. In addition, bias can be institutionalized into policies, practices, and structures.

#### **2.1.3.4 WHAT IS THE BIAS INCIDENT RESPONSE TEAM (BIRT)?**

The Bias Incident Response Team (BIRT) is a representative of staff and faculty that receives and responds to reported incidents of bias. They help address harm to relationships caused by bias incidents by working with individuals involved using a restorative justice framework. When appropriate they also work with employees’ supervisors, respective ELT members, and student conduct administrators to support employees and students to better contribute to a climate that values diversity, equity, inclusion and belonging.

### **2.1.3.5 HOW THE BIAS INCIDENT RESPONSE PROCESS RELATES TO OTHER UNIVERSITY POLICIES AND PRACTICES:**

The Bias Incident Response Process is primarily a process to repair harm to relationships and provide opportunities for learning and growth. Under this policy, events or incidents that were experienced as harmful to the university's climate of diversity, equity and inclusion should first be addressed as opportunities to increase understanding and to develop as students and professionals. When an employee learns and develops skills or competencies by participating in a restorative process, the professional development activities and positive outcomes should be supported and rewarded in an employee's annual review.

If numerous Bias Incident Reports establish that an individual has engaged in a pattern of behavior that is harmful to the university's climate of diversity, equity and inclusion, then this will be referred for processing to the Volume II Discrimination Procedures. In addition, and subject to the outcome of the matter under the Volume II Discrimination Procedures, the conduct may be addressed as part of the university's supervision of employees and management of satisfactory job performance, or as a matter of the student conduct system. University employment policies govern how issues of unsatisfactory job performance are addressed.

A pattern of behavior may also constitute a violation of the university's discrimination and harassment policies, where an isolated remark or incident might not. If such a pattern of behavior emerges, it will be referred to the appropriate contact so that procedures related to the appropriate university policy can be initiated.

In general, if it becomes clear that an issue or incident is in violation of university policy and should be referred for disciplinary action, the BIRT will involve the Director of Human Resources/Vice President of Operations or a Student Conduct Administrator accordingly.

### **2.1.3.6 RESTORATIVE PRACTICE**

Fontbonne University believes that restorative practice is consistent with its mission to provide transformative education committed to the common good, inspiring students to become global citizens who think critically and act ethically to create a more just world. Restorative practice allows a way for individuals harmed and responding parties to repair harm to relationships and provide for personal learning and growth. A restorative practice may also include taking appropriate accountability measures to protect those harmed and/or the broader community. The BIRT will recommend, provide or assist with restorative interventions and measures to managers, department heads and student conduct administrators for responding to such cases to promote individual and community healing, learning and growth.

### **2.1.3.7 COORDINATION**

- This policy is not intended to replace existing policies, reporting structures or procedures. The purpose of the BIRT is to serve as a supporting body with expertise to develop and coordinate strategies to respond to incidents and address issues that may impact members of the campus community.
- Upon receipt of a report:
  - An initial screening is conducted by the BIRT to determine if the matter requires processing under the Volume II Discrimination Procedures and, regardless of that decision, any complainant will also be advised of the availability of the Volume II Discrimination Policy, and that the matter may be referred by the members of BIRT on their own initiative. If the matter is to be processed under the Volume II Discrimination Procedures, BIRT will typically defer action until the matter is resolved under the Volume II Discrimination Procedures.



- If the report does not appear to be a discrimination or harassment claim to be processed under the Volume II Discrimination Procedures then the matter is evaluated by the BIRT for further action.
- If the incident could be resolved at the BIRT level (e.g. unconscious bias/micro-aggressions), the BIRT will work with the reporting and responding parties to address through a restorative process.
  - o Some incidents of bias can be resolved directly with representatives of the BIRT, the reporting party and the responding party without convening a full BIRT meeting.
  - o If the incident requires convening a full BIRT meeting, the BIRT will work with the appropriate administrators to investigate the incident, make recommendations to administrators for impacted individuals to receive adequate support and access to resources, and to ensure that applicable policies for adjudication are followed. The BIRT chair will promptly notify the University President of any bias incidents that rise to this level.
- The person submitting the form will be invited to have a meeting with member(s) of BIRT.
  - o The person will be advised of the availability of the Volume II Discrimination Procedures.
  - o The BIRT member asks the reporting party about the experience, filling in details or context as necessary, and may refer the matter if warranted for processing under the Volume II Discrimination Procedures.
  - o The BIRT member works with the reporting party to discern if they would like help identifying strategies to address the issue or situation themselves, if they would like general social and emotional support, or if the reporting party would like the university to engage them and the responding party in a restorative process. (The BIRT member will record this type of response for tracking and evaluation purposes.) The BIRT member provides an overview of the restorative process that may take place and comes to an agreement about how to move forward.
  - o If the reporting party would like the restorative process to be initiated, the BIRT member asks for their involvement to the extent that they are comfortable. If they request not to be directly involved and/or named to the responding party, the BIRT member cautions them that, even if efforts are made to protect confidentiality, sometimes identities can be inferred based on circumstances.

### **2.1.3.8 CONFIDENTIALITY**

The confidentiality of people submitting reports will be protected to the greatest extent possible. However, confidentiality cannot be guaranteed and disclosure may be necessary to ensure that the university complies with its legal obligations. The university may be obligated to follow up on reports of incidents that violate university policies. As particular events or incidents are investigated, identities may become discernible by the people involved.

The confidentiality of employees named in reports will be respected in the following ways:

- Incidents that are reported directly to the Title IX Coordinator or through the University’s Volume II Discrimination Procedures will not reach the Bias Incident Response Team pending the outcome if a violation is identified. Confidentiality of these investigative procedures therefore remains in place.
- The Bias Incident Response Team will maintain the confidentiality of people named in reports that it receives subject to the prior provisions and the obligations of the Volume II Discrimination Procedures.
- A person who makes a report will be informed of the process that will be followed. They will also be informed that it is not possible to share the details of conversations or actions that take place with particular employees. Disclosures required under the Volume II Discrimination Procedures will be governed by those procedures.
- The supervisor will maintain confidentiality of personnel matters, including the coaching and development of their employees.

- The Bias Incident Response Team will track general data that is not associated with identities. Data reported will include the number of reports made, the type of report made, topics addressed in coaching, the type of actions taken (e.g., reading, attending workshops, accessing online training materials), and other general information that would be helpful in identifying organizational training, development, processes, policies, or other needs that would improve the university’s climate of diversity, inclusion, and equity. This general data will be shared with university leadership and the campus community on a periodic basis.

### **2.1.3.9 RETALIATION**

Fontbonne University prohibits retaliation against any person who makes a complaint of discrimination or harassment, opposes discrimination or harassment, or testifies, assists or participates in an investigation proceeding or hearing relating to such discrimination or harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment or treatment based upon retaliatory motive that is reasonably likely to deter protected activity.

### **2.1.3.10 CONFLICT OF INTEREST**

Any BIRT member with firsthand knowledge of a particular matter under consideration, or has a direct, personal relationship with a person involved in the matter, or otherwise believes they may have a conflict of interest, should disclose that they have a conflict and recuse themselves from involvement in any discussion or action on the matter.

### **2.1.3.11 RELATED UNIVERSITY POLICIES**

This Bias Incident Response Policy is intended to supplement the procedures and important information set forth in the following University policies:

- Discrimination
- Harassment, Sexual Misconduct, Relationship Violence, and Stalking
- Student Code, General Standards of Conduct
- Policy Manual Volume II and Volume IV
- GriffinScratch Handbook

### **2.1.4 Consensual Relations Policy**

When two parties have consented at the onset to a romantic or sexual involvement, such consent does not preclude a charge of sexual harassment for subsequent unwelcome conduct of a sexual nature. The educational mission of the University is promoted by professionalism in employee-student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Romantic or sexual relationships between University employees and students in a hierarchical relationship may harm this atmosphere, undermine professionalism, and hinder fulfillment of the University’s educational mission. Therefore, the University prohibits romantic or sexual relationships between employees and students who are in a hierarchical or reporting relationship and who are not married to each other (e.g., teacher/student, coach/team member, faculty or staff/work study student).

## **2.1.5 Family Education Rights and Privacy Act**

### **2.1.5.1 INTRODUCTION**

The following statements relate to Fontbonne University and the Family Educational Rights and Privacy Act (FERPA) of 1974, also known as the Buckley Amendment. Please contact the Registrar's Office at (314) 889-1421 with any questions.

#### **WHAT IS FERPA?**

FERPA is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under the U.S. Department of Education. Education records are records that contain information directly related to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution. Education records do not include private notes, law enforcement records, medical and counseling records, employment records, or alumni records.

#### **ANNUAL NOTIFICATION**

In accordance with FERPA, Fontbonne University will notify students currently in attendance of their FERPA rights annually by publication on the University's website.

### **2.1.5.2 DEFINITIONS**

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

*Student* – any person who attends or has attended Fontbonne University.

*Education Records* – any record (in handwriting, print, tapes, film, or other medium) maintained by Fontbonne University or an agent of the University that is directly related to a student, except for:

1. A record kept in the sole possession of the maker of the record that is used only as a personal memory aid and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
2. Records of an individual who is employed by Fontbonne University that are kept in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee and not available for any other purpose.
3. Records maintained by a Fontbonne University law enforcement unit if the record is created and maintained solely for law enforcement purposes.
4. Records maintained by the Student Health & Counseling Services or other professional or paraprofessional acting in that capacity if the records are used only for treatment of a student and made available only to those persons providing the treatment.
5. Alumni records or former students' records which only contain information about a student after he or she is no longer in attendance at the University.

### **2.1.5.3 RIGHT TO INSPECT EDUCATION RECORDS**

Students have the right to inspect and review their education records upon request to the appropriate record custodian. A student should file a Request to Inspect & Review Education Records form (available on the Registrar's Office website), identifying as precisely as possible the record or records he or she wishes to inspect, with the custodian of the records to which access is desired. If the records are not maintained by the University official to whom the request was submitted, that official will advise the student of the correct official to whom the request should be addressed. The University will comply with a Request to Inspect & Review Education Records within forty-five (45) days. If access is authorized under FERPA, the records custodian or appropriate University staff person will make the needed arrangements for access and notify the student of the time and place where the records may be inspected.

When a record contains information about more than one student, the student may inspect and review only the records which relate to that particular student.

#### **2.1.5.4 LIMITATION ON ACCESS**

Fontbonne University reserves the right to refuse to permit a student to inspect the following records:

- The financial records of the student's parents.
- Confidential letters and confidential statements of recommendation related to the student's admission to an educational institution, application for employment or receipt of an honor or honorary recognition for which the student has waived his or her right of access, or which were placed in the student's education records before January 1, 1975.
- Records connected with an application to attend Fontbonne University if that application was denied.
- Any records which are excluded from the FERPA definition of education records.

#### **2.1.5.5 REFUSAL TO PROVIDE COPIES**

Fontbonne University will provide transcripts or copies of records to any student who, due to reasonable personal circumstances, is unable to inspect and review his/her education records at the location where the records are maintained; Fontbonne University reserves the right to deny transcripts or copies of records to all other students. Fontbonne University also reserves the right to deny transcripts or copies of records not required to be made available under FERPA in any of the following situations:

1. The student has an unpaid financial obligation to the University.
2. There is an unresolved disciplinary action against the student.

#### **2.1.5.6 FEES FOR COPIES OF RECORDS**

If a student requests copies of all or a portion of the student's education records and the University determines that such copies are necessary in order for the student to exercise his or her right to inspect and review the records, the fee for such copies will be \$0.20 per page.

#### **2.1.5.7 DISCLOSURE OF EDUCATION RECORDS**

Fontbonne University will disclose information from a student's education records only if the student signs a Student Consent for Disclosure of Education Records form (available in the Registrar's Office), **except** in accordance with FERPA as set forth below:

1. To school officials who have a legitimate education interest in the records.  
A school official is:
  - A 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 specific task, such as an attorney or auditor.
  - A student serving on an official committee or assisting another school official in performing that school official's tasks.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.
  - Performing a task related to a student's education.
  - Performing a task related to the discipline of a student.

Although school officials are authorized to access this information on a “need-to-know” basis, they are not permitted to release information to persons outside the University unless authorized in writing by the student, by a court order, or according to the exceptions listed in this section. Only the school official or designated person responsible for the records has the authority to release them.

2. To officials of other schools or school systems in which the student seeks to enroll; in this instance, no notice of release of records needs to be sent to the student.
3. To authorized representatives of the U.S. Department of Education, the Comptroller General of the United States, the Attorney General of the United States, and state and local educational authorities in connection with an audit or evaluation of certain state or federal supported education programs.
4. In connection with a student’s request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. To state or local officials or authorities if allowed by a state law that was adopted before November 19, 1974.
6. To organizations conducting certain studies for or on behalf of the University.
7. To accrediting organizations to carry out their functions.
8. To a parent when either: (i) regardless of a student’s age, the student is claimed by a parent as a dependent on the parent’s most recent federal income tax filing; or (ii) the student is under the age of 21 at the time of the disclosure and the parent is seeking information regarding a student’s violation of law or school policy on use or possession of alcohol or a controlled substance. (*Note: If a student is claimed as a dependent by either parent, then either parent may have access under this exception, unless the student provides the University with evidence that there is a court order, state statute or other legally-binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.*)
9. To comply with a judicial order or a lawfully issued subpoena. Fontbonne’s response to a subpoena will vary depending on the type of subpoena. If: (i) a subpoena is received from a Federal grand jury that has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or (ii) if Fontbonne receives any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, Fontbonne will comply with the subpoena without notice to the student or a signed Student Consent for Disclosure of Education Records form. If Fontbonne receives any other type of subpoena, before Fontbonne complies with the subpoena, it will make a reasonable effort to notify the parent or student in advance of compliance with the subpoena, so that the parent or student may seek protective action if they so choose.
10. To appropriate parties in a health or safety emergency.
11. To an alleged victim of any crime of violence. The disclosure may include only the final results of any institutional disciplinary proceeding against the alleged perpetrator of that crime with respect to that crime.
12. In connection with an institutional disciplinary proceeding.

### **2.1.5.8 RECORD OF REQUESTS FOR DISCLOSURE**

Fontbonne University will maintain a record of all requests for and/or disclosures of personally identifiable non-directory information from a student’s education records. The record of requests will indicate the name of the party making the request, any additional party to whom it may be redisclosed, and the legitimate interest the party had in requesting or obtaining the information. The University will create and maintain at each location where education records are kept a record of requests for that location.

### **2.1.5.9 DIRECTORY INFORMATION**

Fontbonne University has designated certain information contained in the education records of its students as Directory Information.

This includes (1) full name, (2) local and home addresses, (3) local and home telephone numbers, (4) e-mail address, (5) major field of study (6) most recent educational institution attended, (7) enrollment status, (8) class level, (9) dates of attendance, (10) degrees, awards, and honors received, (11) participation in officially recognized activities and sports, (12) weight and height of athletic team members, and (13) photographs.

Fontbonne University may disclose Directory Information for any purpose, without the prior consent of a student, unless the student has forbidden its disclosure in writing. Students wishing to prevent disclosure of the designated Directory Information should file a Request to Withhold Release of Directory Information (available on the Registrar's Office website) with the Registrar's Office within two (2) weeks of the start of the semester. The Request to Withhold Release of Directory Information will stay in effect until the fall term of the next academic year. The University will assume that a student does not object to the release of Directory Information unless the student files such written notification.

### **2.1.5.10 AMENDMENT OF EDUCATION RECORDS**

Students have the right to ask to have records amended that they believe are inaccurate, misleading, or in violation of their privacy or other rights. Following are the procedures for the amendment of records:

1. A student must ask the appropriate official of the University to amend a record. In so doing, the student should identify in writing the part of the record he/she wants changed and specify why he/she believe it is inaccurate, misleading or in violation of his/her privacy or other rights.
2. The University will either grant or refuse the request within forty-five (45) days. If the University decides not to comply, it will notify the student of the decision and advise him/her of his/her right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, the University will arrange for a hearing, and notify the student, reasonably in advance, of the date, place, and time of the hearing.
4. The hearing will be conducted by a hearing officer who does not have a direct interest in the outcome of the hearing; however, the hearing officer may be an official of the institution. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or two individuals, including an attorney.
5. 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.
6. 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 that he/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.
7. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the University discloses the contested portion of the record, it must also disclose the statement.
8. If the University decides that the information is inaccurate, misleading, or in violation of the student's right to privacy, it will amend the record and notify the student, in writing, that the record has been amended.

### **2.1.5.11 CUSTODIANS OF EDUCATION RECORDS**

The following is a list of the types of education records that Fontbonne University may maintain, their locations, and their custodians.

<b><u>Types</u></b>	<b><u>Location</u></b>	<b><u>Custodian</u></b>
<b>Admission Records of Matriculated Students</b>	Registrar’s Office Ryan Hall	Registrar
<b>Academic Records</b>	Academic Affairs Office Ryan Hall	Provost
	Department Chair’s Office	Department Chair
	Faculty Offices	Faculty Member
	Registrar’s Office Ryan Hall	Registrar
<b>Financial Records</b>	Accounting Office Ryan Hall	CFO/VP of Finance
<b>Financial Aid Records</b>	Financial Aid Office Ryan Hall	Director of Financial Services
<b>Disciplinary Records</b> (non-academic)	Student Affairs Office Medaille Hall	Executive Director for Student Affairs
<b>Occasional Records</b> (Education records not included in the types above – e.g., minutes of faculty committee meetings, copies of correspondence in offices)	The appropriate office will collect such records, direct the student to their location or otherwise make them available for inspection and review	The University staff persons who maintain such occasional systems records

### **2.1.5.12 RIGHT TO FILE A COMPLAINT**

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

U.S. Department of Education  
 Student Privacy Policy Office  
 400 Maryland Ave, SW  
 Washington, DC 20202-8520

Email: [FERPA.Complaints@ed.gov](mailto:FERPA.Complaints@ed.gov)

Online: <https://studentprivacy.ed.gov/>

## **2.1.6 Institutional Policy on Disability**

### **2.1.6.1 ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES**

Fontbonne University complies with the Americans with Disabilities Act, the Rehabilitation Act and other applicable state and local laws. Consistent with those requirements, the University will reasonably accommodate qualified individuals with disabilities if such accommodation would allow the individual to perform the essential functions of his or her position, unless doing so would create an undue hardship for the University. Requests for disability accommodations should be directed to the Academic and Disabilities Resources Coordinator in the Kinkel Center.

Fontbonne University prohibits any form of retaliation against an individual for requesting a disability accommodation in good faith.

### **2.1.6.2 POLICY FOR EMPLOYING PEOPLE WITH DISABILITIES**

It is the policy of the University to comply with the applicable laws that forbid discrimination in employment against qualified individuals with disabilities.

### **2.1.6.3 STUDENTS WITH DISABILITIES**

Fontbonne University offers accommodations to students with documented physical, visual, hearing, learning, or psychiatric disabilities or impairment. Any Fontbonne student is eligible for special services or accommodations if:

1. The student self-identifies that he or she has a disability and needs accommodation.
2. The student provides appropriate and verifiable documentation of the disability.
3. The student provides notification in a timely fashion.

For accessibility and resident hall needs, contact Student Affairs at 314-889-4523. For academic accommodations, contact the Kinkel Center for Academic Resources at 314-889-4571.

#### **2.1.6.3.1 Discriminatory Acts Prohibited by the ADA**

Colleges and universities receiving federal financial assistance must not discriminate in the recruitment, admission, or treatment of students. Students with documented disabilities may request modification, accommodations, or auxiliary aids that will enable them to participate in and benefit from all post-secondary educational programs and activities. Post-secondary institutions must make reasonable accommodations when possible to ensure that the academic program is accessible to students with disabilities.

Universities and colleges may not:

1. Limit the number of students with disabilities admitted;
2. Make pre-admission inquiries as to whether or not a student is disabled;
3. Use admission tests or criteria that inadequately measure the academic qualifications of disabled students because special provisions were not made for them;
4. Exclude a qualified student with a disability from any course of study;
5. Limit eligibility to a student with a disability for financial assistance or otherwise discriminate in administering scholarships, fellowships, internships, or assistantships on the basis of disability;



6. Counsel a student with a disability toward a more restrictive career;
7. Measure student achievement using modes that adversely discriminate against a student with a disability; or,
8. Establish rules and policies that may adversely affect students with disabilities. (List is from the American Council on Education).

## **2.1.7 Policy and Procedures for Service Animals**

### **2.1.7.1 RATIONALE**

Fontbonne University (the University) complies with Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and Americans with Disabilities Act Amendments Act of 2008 (ADAAA), and other applicable state and local laws. Section 504, the ADA, and the ADAAA requires Fontbonne to make reasonable modifications to its policies, practices, or procedures to permit the use of a service animal by a student, faculty, staff, or visitor with a disability.

### **2.1.7.2 DEFINITIONS**

The ADA defines a Service Animal as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability including a physical, sensory, psychiatric, intellectual, or other mental disability.” Importantly, other species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purposes of ADA. However, under certain conditions, Fontbonne will make reasonable modifications for a miniature horse that has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

When assessing whether a dog (or miniature horse) is a Service Animal individually trained to do work or perform tasks for the benefit of an individual with a disability, the animal must be trained to do work or perform tasks that are directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, the following:

- assisting individuals who are blind or have low vision with navigation and other tasks;
- alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
- reminding an individual with depression to take his or her medication;
- pulling a wheelchair;
- detecting the onset of a seizure and then helping the individual to remain safe during a seizure;
- alerting an individual to the presence of allergens;
- alerting an individual with diabetes when his or her blood sugar reaches high or low levels;
- retrieving items such as medicine or the telephone;
- providing physical support and assistance with balance and stability to individuals with mobility disabilities;
- assisting persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Emotional support, therapy, comfort, and companion animals are not considered Service Animals because they have not been trained to perform a specific job or task.

## **2.1.7.3 DETAILED POLICY STATEMENT**

### **2.1.7.3.1 Verification of Service Animals**

Fontbonne will not ask about the nature or extent of an individual's disability. However, when it is not readily apparent that the dog identified by the individual with a disability is a Service Animal, the Kinkel Center may ask the individual (1) whether the dog is required because of a disability and (2) what work or task the dog has been trained to perform.

Students, faculty, staff, and visitors with a disability are not required to register a Service Animal with the Kinkel Center as a precondition to the University allowing the Service Animal on campus or allowing the Service Animal to attend a University program or activity.

### **2.1.7.3.2 Care and Supervision of Service Animals**

The handler is responsible for the care and supervision of a Service Animal. The handler may be the individual with a disability or a third party who accompanies the individual with a disability. The Service Animal must be under the control of the handler at all times and must have a harness, leash, or other tether. If the use of a harness, leash, or other tether would interfere with the performance of the work or tasks performed by the Service Animal or is impractical because of an individual's disability, a harness, leash, or other tether may not be required. However, in that case, the individual must be able to control the Service Animal by other effective means, such as voice controls or signals.

A Service Animal is generally permitted to accompany the individual with a disability to Fontbonne facilities where members of the public, students, staff, and faculty are allowed to go. However, Fontbonne may ask the handler to remove a Service Animal from any of its facilities if the Service Animal is out of control and the handler does not take effective action to control it. For example, a Service Animal should not be allowed to bark repeatedly in a lecture hall, theater, library or other quiet place. However, if the dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control. The University may also ask the handler to remove a Service Animal from any of its facilities if the Service Animal is not housebroken, or if the use or presence of the Service Animal poses a direct threat to the health or safety of others, or if the Service Animal has a history of such behavior.

Fontbonne may impose legitimate safety requirements on the use or presence of a Service Animal that are necessary for safe operation of its facilities. There are some facilities that are not safe for use or presence of Service Animals and from which Fontbonne may exclude Service Animals on a case-by-case basis based on actual risks.

The individual with a disability must abide by current city, county, and state ordinances/laws/regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws, and regulations. The handler is responsible for cleaning up after and properly disposing of the animal's feces in a safe and sanitary manner.

### **2.1.7.3.3 Requesting a Reasonable Accommodation**

Students, faculty, staff, or visitors wishing to use a Service Animal on campus should contact the Kinkel Center for Student Success, Undergraduate Advising and Engagement. The Kinkel Center will consult and collaborate with Human Resources for cases involving faculty, staff, or visitors.

## **2.1.8 Policy and Procedures for Personal Assistants and Personal Care Attendants**

### **2.1.8.1 INTRODUCTION**

Fontbonne University (“the University”) complies with Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) and applicable state law regarding individuals with disabilities. The University is committed to providing accommodations to an otherwise qualified individual with a disability by making a reasonable modification in its services, programs or activities. The University understands that the use of a Personal Assistant (PA) or Personal Care Attendant (PCA) may be an integral part of some students’ abilities to participate in the university experience. This policy addresses the use of Personal Assistants and Personal Care Attendants by qualified students with disabilities.

### **2.1.8.2 DEFINITIONS**

**Student with a Disability** means an otherwise qualified individual who has a physical or mental impairment that substantially limits one or more major life activities of the individual.

**Personal Assistant (“PA”)** means as a person who assists the student in the classroom. This assistance may include, but is not limited to, turning pages, retrieving books, assisting with homework, transcribing notes, assisting with augmentative communication devices, or getting the student to and from class.

**Personal Care Attendant (“PCA”)** means a person who performs personal care duties or services for a student with a disability. These duties or services that the PCA performs is comparable to those that family members would perform for the student with a disability and will vary from person to person. These activities may include, but are not limited to, providing help with activities of daily living, such as bathing, walking, dressing, feeding, toileting, grooming, preparing meals and feeding; monitoring any medical condition by observing vital signs; reminding to take prescribed medications; transporting or escorting the student; opening doors; alerting the student to distracting, repetitive movements; alerting the student to dangerous environments or situations; assisting with light cleaning, laundry, and keeping the environment safe; and other physical assistance.

### **2.1.8.3 DETAILED POLICY STATEMENT**

#### **2.1.8.3.1 RESPONSIBILITIES OF THE UNIVERSITY**

It is the responsibility Fontbonne University to provide required accommodations to an otherwise qualified individual with a disability by making reasonable accommodations in its services, programs, or activities to qualified students with documented physical, visual, hearing, learning, or psychiatric disabilities. A modification is not a reasonable accommodation if it causes an undue hardship on the University.

The University is not responsible for providing a PA or PCA to any student or for paying a student’s PA or PCA. Additionally, the University is not responsible or liable for any adverse consequences resulting from a student’s association with a PA or PCA. Additionally, the University is not responsible for providing services to meet the personal needs of the student, which may include, but are not limited, to transfer from a vehicle to a wheelchair; transportation to or from the classroom; administering medication; and addressing toilet, feeding, dressing or grooming needs.

The University may, but is not required to, generate ideas for advertising resources on campus and in the community for a student who is seeking a PA or PCA.

The University believes that it is beneficial if the PA or PCA is impartial and not a family member or close friend of the student although this is not a requirement.

### **2.1.8.3.2 RESPONSIBILITIES OF THE STUDENT PRIOR TO APPROVAL OF THE PA OR PCA**

It is the student's responsibility to hire his or her PA or PCA and to pay for or otherwise secure funding for the services provided by the PA or PCA. Students must also follow the University's Approval Process below. A student cannot bring a PA or PCA onto campus until the Approval Process has been completed and approved except during the initial University registration process.

### **2.1.8.3.3 APPROVAL PROCESS**

- The student must notify the University's Accommodations Coordinator/Section 504 Coordinator (hereinafter "Coordinator") of the student's need for a PA or PCA.
- The student must complete Fontbonne University's Request for Academic Accommodations form and submit it to the Coordinator.
- The student must provide a certification from his or her health care provider addressing the medical necessity of the PA or PCA to the Coordinator.
- If employed by an agency or organization, the PA or PCA must provide a letter of reference from his or her employer, along with the contact information for his or her direct supervisor.
- If employed directly by the student/student's family, the PA or PCA must provide a personal or professional letter of reference.
- If the PA/PCA resides in the residence halls, a criminal background check of the PA or PCA will be conducted, paid for by the student.
- If the PA/PCA resides in the residence halls, a drug test of the PA or PCA will be conducted, paid for by the student.
- If each of these steps are followed and approved by Fontbonne University and results of the criminal background check and drug test (if applicable) meet the satisfaction of Fontbonne University, then:
  - This Policy, Fontbonne University's Campus Community Policies, and other applicable policies will be provided to the PA or PCA (either hard copies or electronic links) and the student.
  - The Personal Assistant / Personal Care Attendant Agreement and Liability Waiver ("Agreement and Waiver") will be provided to the PA or PCA (Appendix 2.1.7).
  - If the PA or PCA accepts and signs the Agreement and Waiver, the University will sign and approve the Agreement and Waiver, absent extenuating circumstances.
  - The PA or PCA will be provided with a Fontbonne identification card.
  - A new Agreement and Waiver must be submitted by the PA or PCA at the start of each University school year.

### **2.1.8.3.4 RESPONSIBILITIES OF THE STUDENT AFTER THE APPROVAL OF THE PA OR PCA**

- The student must complete all required paperwork for the PA or PCA to access the University residence halls, if applicable.
- The student must direct the activities of the PA or PCA while at Fontbonne University.
- The student must have an alternative plan of action should the regular PA or PCA not be available to work with the student on a particular day or in a particular class.
- The student must notify the University's Coordinator of any changes in PA or PCA prior to attending scheduled classes.
- The student must comply with this Policy, all other applicable University policies and the Student Code of Conduct.
- If the student's relationship with the PA or PCA ends, or if the student hires a different PA or PCA during the course of any given University term, the student must immediately inform the Coordinator.

### **2.1.8.3.5 RESPONSIBILITIES OF THE PERSONAL ASSISTANT/PERSONAL CARE ATTENDANT**

It is the responsibility of the PA or PCA to:

- Follow this Policy, all other applicable University policies, procedures, rules, and regulations.
- Comply with the terms and conditions of the Personal Assistant/Personal Care Attendant Agreement and Liability Waiver in effect. See appendix....
- Allow the student to take responsibility for their own progress in class by not providing tutoring or intellectual assistance on exams, essays, class projects or other academic work.
- Remain outside of the classroom/designated area and wait for the student unless providing aid in the classroom is part of the PA's or PCA's approved duties or services.
- Refrain from participating in class discussions or otherwise disrupting class sessions.
- Refrain from engaging in or intervening in conversations between the student and faculty, staff, or other students.
- Refrain from discussing any medical or other confidential information about the student with any Fontbonne University faculty member, staff, or student, with the exception of the Coordinator.
- A PA or PCA is not permitted to proctor the student's tests without the approval of the Coordinator.

### **2.1.9 Removal of University Property**

The President is accountable for all property possessed by the University whether or not that property is deemed to have any substantial value. Accordingly, no student or employee may remove any property owned or possessed by Fontbonne University (or by any department, unit, or subsidiary of the university) from the grounds without prior written permission. This includes, but is not limited to, supplies, furniture, fixtures, equipment, information technology equipment, books, journals, paper and electronic files and records, memorabilia, and signs.

Students wishing to remove university property must request advance permission from the Vice President for Operations. Employees wishing to remove university property must request advance permission from both their supervisor and the Vice President for Operations. If permission is granted, students or employees must provide a copy of the permission in writing to Public Safety immediately upon request. Only written authorization signed or issued as provided in this policy is valid.

Explicit permission is granted by this policy to faculty and staff to remove any books in their possession even if those books were purchased by the university or received as desk copies unless those books are on loan from Taylor Library. In addition, faculty may remove any files related to their teaching, scholarship, or service conducted during their employment as a faculty member, but no documents with personal identifying information may be removed.

The university reserves the right to pursue all remedies available by law if property is removed without permission. Students may be adjudicated through the student conduct process. Any unauthorized removal or damage of university property should be reported to Public Safety immediately.

## **2.2 HEALTH-RELATED POLICIES**

### **2.2.1 Serious Disease Policy**

Employees or students with infectious, long-term, life-threatening, or other serious diseases may continue their work or attendance at the University as long as they are able to perform the essential duties of their job or meet their academic responsibilities without posing a direct threat to themselves or others.

The University will support, where feasible and practical, educational programs to enhance employee and student awareness and understanding of serious diseases.

### **2.2.2 Tuberculosis Policy**

#### **2.2.2.1 PURPOSE**

The purpose of this policy is to help avoid an outbreak of tuberculosis on campus and to comply with Missouri state law. The policy applies to all new students, faculty, and staff of Fontbonne University and in some cases to returning students, faculty and staff (e.g., participation in a service trip to a high prevalence country). The policy is established in accordance with applicable regulations and requirements.

#### **2.2.2.2 RISK SCREENING POLICY**

All new students, faculty and staff are required to complete a screening questionnaire to assess their risk factors for tuberculosis.

The risk screening questionnaire will be sent to all new students, faculty and staff of Fontbonne upon class registration or for new employees during new hire orientation. The Student Affairs Department will be responsible for documenting completion of student questionnaires. The Human Resources Department is responsible for faculty and staff questionnaires. The forms will be placed in student files and new employee personnel files. The following information will be documented for students, faculty and staff:

- Date the questionnaire was received and evaluated
- Number of “yes” responses checked on the questionnaire
- Copy of completed questionnaire

With the exception of new international students and new resident students, new students, faculty and staff whose questionnaires contain all “no” responses shall be deemed NOT to be at risk for tuberculosis. No additional testing/screening/treatment is required, and registration/employment may proceed.

Anyone who has one or more “yes” responses must undergo further evaluation and testing at their own expense to determine if they have tuberculosis. Students will not be allowed to register for the next academic term until further testing has been completed, and there will be an administrative hold placed on their account. Faculty and staff with one or more “yes” responses will be required to undergo further testing to continue employment and will be placed a probationary period which may or may not coincide with the initial 90-day orientation period.

#### **2.2.2.3 TESTING POLICY**

Students, faculty and staff required to undergo further testing (at their own expense) to determine whether they have tuberculosis may avoid further testing if they can provide documented negative results of a tuberculin skin test done in the United States in the last six months and no risk factors were identified. Students, faculty and staff who have a history of positive tuberculin skin tests or previous tuberculosis disease should provide documentation of appropriate evaluation and treatment as indicated. The Student Affairs Department will notify students who need additional testing and/or documentation within the first two weeks of the current academic term. The additional testing and/or documentation must be completed as soon as possible. Students who fail to comply with the request for additional testing and/or documentation may be dropped from future classes and future registration

restricted until compliant. In the case of new faculty or staff, continued employment is dependent upon compliance with the request for additional testing.

#### **2.2.2.4 TESTING PROTOCOL**

Students, faculty and staff who answer “yes” to one or more questions on the risk screening must follow this protocol:

1. Tuberculin skin testing is required for all students, faculty and staff who answered “yes” to one or more questions on the risk screening unless there is documented evidence from the United States that a test was done in the previous six months and no risk factors were indicated. Once notified of the need to be tested, the test must be done within two weeks.
2. A positive tuberculosis test will necessitate the need for additional testing, including a chest x-ray and physical exam by a certified healthcare provider with an emphasis on signs and symptoms of tuberculosis. Results must be provided to the Student Affairs Department or Human Resources Department within one week of the positive tuberculosis skin test.
3. Students, faculty and staff who have a positive tuberculosis test but a negative chest x-ray and a negative physical exam will be deemed to meet the criteria for latent tuberculosis infection. Treatment may be recommended, and if refused, an annual evaluation will be required to register for classes and/or continue employment.
4. The Student Affairs Department or Human Resources Department will notify the local health department of any positive tuberculosis test and abnormal x-ray to seek further guidance.
5. If further testing determines that tuberculosis is not active, a diagnosis of latent tuberculosis infection is assumed for purposes of documentation, and treatment is recommended. If the student, faculty or staff member refuses treatment or does not complete treatment, it must be documented by the Student Affairs Department or Human Resources Department. An annual symptom evaluation is required if a student, faculty or staff member refuses treatment in order to continue with registration or employment.
6. If further testing results in active tuberculosis that is not contagious (as determined by the local health department), treatment must be undertaken in order to remain enrolled or employed. Strict adherence to treatment is expected; failure to do so may result in students being removed from classes and/or employees being suspended from active employment.
7. A diagnosis of active, contagious tuberculosis will necessitate that Fontbonne work closely with the local health department to isolate and treat the infected student, faculty or staff member and to identify and test people who have been exposed to the contagious student or employee. An appropriate communication plan will be developed to inform the campus community of the diagnosis of active tuberculosis. Students or employees with an active, contagious diagnosis will not be allowed on campus until certified to return to campus by the local health department.
8. Any additional testing and/or treatment required will be at the individual’s expense.

The Student Affairs Department and Human Resources Department will initiate any campus wide communications regarding tuberculosis on campus in accordance with appropriate protocol outlined by Fontbonne as well as the local health department.

Any information obtained as a result of this policy will be maintained subject to policies adopted by Fontbonne University to protect your privacy.

#### **2.2.3 Alcohol and Drug Abuse Prevention Policy**

It is the goal of Fontbonne University to promote a drug-free living and learning environment. In accordance with the mandate of federal legislation, the manufacture, distribution, possession or use of controlled drugs, and the unlawful possession, use or distribution of alcohol on Fontbonne University property and off-site campus locations or as a part of any of its activities are prohibited. Violations of the policy will be handled according to procedures covering the conduct of administrators, faculty, students and staff.

### **2.2.3.1 STANDARDS OF CONDUCT - CONTROLLED DRUGS**

The unlawful manufacture, possession, distribution or use of controlled drugs on Fontbonne University property or as a part of any of its activities by students, employees, or their guests is prohibited.

### **2.2.3.2 STANDARDS OF CONDUCT – ALCOHOL**

The possession and use of alcohol by persons under the age of 21 years is prohibited. University policies limit the lawful use of alcohol by persons 21 years of age or older to specific occasions and designated locations. Students are responsible for their behavior, and students and organizations will be held accountable for any misconduct related to the use of alcohol. In the event of violations of alcohol policies, students will be subject to disciplinary action. In addition, Fontbonne may notify the student’s parents or guardian of the violation if the student is under 21 years of age and in some cases if the student is 21 years of age or older.

1. No alcoholic beverages are allowed in unapproved areas without special permission. Unapproved areas include but are not limited to lounges, hallways, courtyards, and outside of buildings.
2. While Fontbonne respects students’ right to privacy, it retains its right to enter any residence hall rooms if there is sufficient reason to believe that University policies have been violated.
3. While responsibility for personal patterns of alcohol use is essentially that of the individual, there are ethical and value issues related to the use of alcohol. Alcohol misuse and abuse can lead to academic failure, physical and psychological dependency, organ damage, and threats to student safety and well-being. The Fontbonne community is called upon to be responsible and responsive to those who are in the developmental process of forming their own codes of personal behavior. The Office offers prevention and intervention alcohol awareness programs, literature, personal counseling and off-campus referrals for assistance with alcohol-related concerns.

## **2.2.4 Alcohol Serving Policies and Procedures**

### **2.2.4.1 ALCOHOL SERVING POLICY**

Due to safety/health concerns for all involved and due to liquor license restrictions from the State of Missouri, St. Louis County, and the City of Clayton, any “Event Sponsor” (defined as any Fontbonne University individual, organization, or department, or any non-affiliated campus individual or group that plans to serve alcohol at an on-campus Fontbonne event, must make arrangements through Vice President for Operations to understand the options for securing the appropriate vendor for alcohol service and bartending. our food service vendor, Aladdin Food Management Services (“Aladdin”). Event Sponsors must provide 20 business days’ advance notification in requesting to have and/or serve alcohol at any such event.

### **2.2.4.2 ALCOHOL SERVING PROCEDURES**

- A. Bartenders/servers must be used to serve alcohol at any event/gathering and should have proof of completion of the TIPS bartending training. Event sponsors should plan to have at minimum one (1) bartender per seventy-five (75) people. Event sponsors will be responsible to cover the labor fees for all bartending expenses.
  1. Sponsors may request Vice President for Operations to make an exception to the above bartender/server requirements in cases where the event/gathering will comprise 15 people or fewer and the event will be closely monitored by the Event Sponsor personnel in attendance. The Vice President for Operations can waive the bartender/server requirement per their discretion following a careful review of the requested event.
- B. Event Sponsors wishing to use an outside caterer (“Caterer”) to serve alcohol must follow these guidelines:



1. Event Sponsors must request initial permission from the appropriate ELT member;
2. Event Sponsors, at least ten days prior to the event, must obtain and send a copy of the caterer's insurance certificate and liquor license to Aladdin in order for them to review and potentially approve the outside Caterer.

If approved, the Vice President for Operations will send approval with a copy of the alcohol serving policies to both the Event Sponsor and Caterer. Both the Event Sponsor and the Caterer must comply with all provisions of this policy.

- C. Event Sponsors will be held accountable if failing to comply with these policies and may be denied permission to serve alcohol at future events.
- D. Bartenders/servers must be 21 years of age and be knowledgeable about the drinks being mixed and/or served. Bartenders/servers will successfully complete TIPS training prior to working a Fontbonne event.
- E. Alcoholic beverages will only be served by the individual glass, bottle, or can. No kegs or pitchers of beer will be served. Bartender/servers will determine and monitor the number of drinks served to individuals and has the right to deny service to anyone.
- F. Depending upon the nature of the event, bartenders/servers may require proof of age from individuals requesting an alcoholic beverage. Bartender/servers may also decide it is necessary to use some form of visible identification process (e.g. stamps, wristbands, etc.) with individuals who are 21 years or older. Event Sponsors may be required to assist with this process and provide the necessary supplies.
- G. Event Sponsors must not take unused and/or unopened alcohol from an event. The caterer or bartenders will be responsible for the disposal of unused and/or unopened alcohol from an event. If they are unavailable to remove the unused or unopened alcohol at the end of an event, the Event Sponsors are responsible for collecting and retaining it until it can be retrieved.
- H. If alcohol is donated to Fontbonne for an event, it must be given to caterer of choice per their policy. The caterer will then serve the alcohol at no charge for the beverage. Event sponsor cannot serve alcohol from donated kegs or any other large containers.
- I. Alcohol advertising (e.g., "B.Y.O.B") for any on or off-campus event is not permitted.
- J. All events must have a specified beginning and end time. Serving of alcoholic beverages will cease one-half hour prior to the end of the event. Sufficient and appropriate food must be served at events that have alcohol available.
- K. Student organizations requesting to serve alcohol at an event must request approval from the Executive Director for Student Affairs and, if approval is given, may include additional procedures to follow.
- L. Event Sponsors are responsible for:
  1. Notifying Public Safety for events where the attendance is anticipated at 100+ participants. Public Safety should be contacted a minimum of 10 business days prior to the event. Public Safety may request that a Public Safety officer or off-duty police officer be hired for the duration of the event. Additional fees will apply at the expense of the Event Sponsor.
  2. Introducing themselves and other Event Sponsors to the bartenders/servers and Public Safety or Off-Duty Officers, if present, at the beginning of the event.
  3. Monitoring that individuals do not bring alcohol into an event or take alcohol away from an event.
  4. Creating signage stating individuals cannot bring alcohol into an event or take alcohol away from an event. (Signage should be removed by the Event Sponsors once the program is over.)
- M. Generally, if the event is hosted in the Dunham Student Activity Center Alumni Cafe, alcohol may only be served if the snack bar is closed.
- N. Bartenders/servers are responsible for reporting any disruptions in the serving area to Event Sponsors and Public Safety.

### **2.2.5 Tobacco Use Policy**

Fontbonne University is a tobacco-free campus. Smoking or other use of tobacco products or smoking related products, including the use of smokeless, e-cigarettes or other devices that simulate visual, sensory and behavioral

aspects of smoking, is prohibited on all University property, including all buildings, outdoor spaces and in University-owned vehicles. Such items include, and are not limited to, cigarettes, electronic cigarettes, cigars and cigarillos, hookah smoked products, pipes and oral tobacco. Future reference to tobacco use or smoking includes the above referenced items, such as e-cigarettes. Tobacco use is permitted on the sidewalks along Big Bend and Wydown Boulevards and in personal vehicles that are parked on campus. This policy applies to the Clayton campus.

Off-site campus locations shall continue to prohibit all tobacco use within buildings and shall also comply with any local municipality or county restrictions. No smoking will be permitted within 15 feet of the entrance of any branch location.

Voluntary compliance with the tobacco-free campus policy will be emphasized. Anyone who observes that the policy is being violated is encouraged to bring it to the attention of the smoker. Individuals found smoking by Public Safety will be asked for identification and will be given a reminder notice about the University's policy. In the event that any individual is found to regularly violate the University's tobacco-free policy, for employees, the issue will be referred by Public Safety to the employee's supervisor or department head, or for students, to the Office of Student Affairs for appropriate action. Violations of this policy will be subject to the rules and sanctions contained in the University Policy Manuals and in the Code of Student Character and Conduct. In the event that a violator is unwilling to show identification upon request to a public safety officer, the Clayton Police will be called to respond to trespassing.

### **2.2.6 Drug Free Workplace**

The unlawful use of a controlled substance in any setting is dangerous. Employees of Fontbonne University, including students in work study positions, who unlawfully use a controlled substance in the workplace not only jeopardize their own employment and safety, they also place other employees, our students, and guests of the University at personal risk. All employees of the University serve as role models for students. And, the unlawful use of a controlled substance in the workplace would not only violate laws, but is contrary to the spirit and mission of Fontbonne University.

Fontbonne abides by the provisions of the Higher Education Amendment of 1998 and all employees and students, including those making application for Federal Pell Grants, are required to sign a statement of compliance.

### **2.2.7 Medical and Recreational Use Marijuana**

A number of states, including Missouri, have passed laws that make the use of marijuana for some medical and recreational use legitimate under the law of the state. However, the possession or use of marijuana remains an offense under the Controlled Substances Act, a federal law. Fontbonne University is obligated to comply with all federal laws and regulations. In order to remain in compliance, Fontbonne will not permit the possession or use of marijuana in any on-campus housing, any Fontbonne building or other property, or at educational or other activities sponsored, conducted, or authorized by Fontbonne or its student organizations, whether on or off campus. In accordance with the Drug Free Schools and Communities Act, the University annually communicates to students and employees information that includes the University Alcohol and Drug Policies, counseling and assistance programs, University and legal outcomes, health risks, and uses and effects of controlled substances

## **2.2.8 Student Drug Testing Policy**

Fontbonne University promotes a safe, drug-free living and learning environment. As stated above, Fontbonne University prohibits the use, possession, manufacture or distribution of illegal drugs or other controlled substances as well as the use or possession of drug paraphernalia.

Fontbonne University believes that drug testing based on a reasonable suspicion of drug use is appropriate to ensure the health, safety and welfare of its students and to assist students before they may harm themselves or others. Accordingly, Fontbonne University may require a student to submit to a drug test if a student has acknowledged substantial drug use or when there is reasonable suspicion that a student is under the influence of illegal drugs or controlled substances. Reasonable suspicion is based on the student's appearance, behavior or conduct that indicates the student may be under the influence of an illegal drug or controlled substance. When an incident occurs, the Executive Director of Student Affairs should immediately be notified to review the facts and circumstances in order to determine if reasonable suspicion exists and the appropriate course of action.

Fontbonne University will engage the services of a qualified laboratory to conduct the drug test. A positive test result for unlawful drugs (or lawful drugs not used in connection with and in conformity with a physician's prescription) or an adulterated or diluted sample as reported by the testing laboratory, may result in the student not being permitted to live on campus, suspension, dismissal or other action that Fontbonne University, in its sole discretion, deems appropriate depending on the circumstances. If a student refuses to take a drug test, such refusal will be treated the same as a positive test result.

Fontbonne University recognizes that substance abuse is an illness and a health problem. Fontbonne University is willing to help students obtain assistance needed in the resolution of a substance abuse problem.

Fontbonne University will make good faith efforts to maintain the confidentiality of all drug test results. Test results may be disclosed to the student, the student's parents or guardians, and to those who have a legitimate need to know, as determined by Fontbonne University, in its sole discretion.

### **2.2.8.1 LEGAL SANCTIONS**

#### **2.2.8.1.1 Drugs**

The manufacture, possession, sale, distribution, and use of controlled drugs is prohibited by city and county ordinance, state law, and federal statute. Punishments range from fines of \$50 to life imprisonment. The statutes and ordinances define the drugs deemed "controlled."

#### **2.2.8.1.2 Alcohol**

Missouri's Liquor Control Law makes it illegal for a person under the age of twenty-one years to purchase or possess any intoxicating liquor. R.S.Mo. §311.325(1). Violation of this provision can subject one to a fine of up to \$1,000 and/or imprisonment for a maximum term of one (1) year. County and municipality ordinances contain similar prohibitions and sanctions.

### **2.2.8.2 HEALTH RISKS**

#### **2.2.8.2.1 Drugs**

Physical and psychological effects of both short- and long-term drug use vary with the type and amount of drug used. Marijuana use can lead to heartbeat acceleration, impairment in mental perception, memory loss, impulsive behavior, anxiety attacks, respiratory problems, infertility, and lung disease. Cocaine use can lead to high blood pressure, sweating, vomiting, irritation and inflammation of nasal tissue, loss of appetite, delusions, altered perceptions, and death from respiratory failure.

Use of hallucinogens can lead to dizziness, increase in heart rate, nausea, perceptual changes, delusions, hallucinations, and flashbacks. Use of stimulants can lead to diarrhea, heart palpitations, increased blood pressure, kidney failure, weight loss, irritability, and hallucinations. Use of depressants can lead to slurred speech, staggering gait, altered perception, slowing down of reflexes and reaction time, increased anxiety and depression, and death from lack of oxygen.

Use of drugs during pregnancy may lead to premature births and/or mental or physical handicaps in the infant. Use may also cause infant to acquire a drug dependency at birth.

#### **2.2.8.2.2 Alcohol**

Abuse of alcohol can produce severe health risks, including death. Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident.

Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, even lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than others of becoming alcoholics.

#### **2.2.8.3 DRUG OR ALCOHOL COUNSELING, TREATMENT OR REHABILITATION**

The Office of Counseling and Wellness provides the following resources for students:

1. literature about alcohol and other drugs
2. professional counseling and off-campus referrals
3. registration for a designation health and counseling service
4. educational programs for students who violate University alcohol and drug policies

The provisions of health insurance for Fontbonne employees cover, with limitations, treatment for alcohol and drug dependency.

The provisions of the Employee Assistance Program include counseling for substance abuse.

#### **2.2.8.4 DISCIPLINARY SANCTIONS**

Different disciplinary procedures are applicable to faculty, staff, and students. Violations of the standards of conduct will be addressed on a case-by-case basis with the imposition of discipline being appropriate to the severity of the violation. For each group comprising the University community, there are certain common sanctions that may be applied. These include letters of reprimand, probation, and severance of ties with the University through expulsion or termination. Opportunity for referral to an appropriate rehabilitation or counseling program may be associated with a first offense. Referral for prosecution will usually occur only for the most serious violations.

1. Faculty: Faculty discipline is administered according to the process outlined in the Faculty Handbook.

2. Staff: The University staff is subject to disciplinary procedures that are outlined in the Employee Handbook.
3. Students: The alcohol and drug-related guidelines for student conduct are contained in the Student Handbook. Sanctions for students generally will follow from the severity of the infraction and can include probation, residence hall dismissal, required participation in counseling or educational programs, and expulsion. The University may notify the parents of dependent-aged students for alcohol and drug-related infractions.

### **2.2.9 Medical Record Keeping**

Any medical records relating to a Fontbonne University employee shall be kept in a separate file in the Human Resources Office.

### **2.2.10 Pandemic Response**

Fontbonne University may establish policies and guidelines to respond to COVID-19 and other pandemic situations. When adopted, these policies and procedures are located on our website and intranet. All such pandemic-related policies, procedures, and guidelines have been approved by the Executive Leadership Team (“ELT”) as appropriate and necessary during such a public health crisis and are mandatory for Fontbonne University community members.

As pandemic situations evolve, updates to these documents and web pages will be authorized and communicated to the affected parties as deemed necessary and appropriate. Community members should stay abreast of these updates through university email and our website. The ELT will determine when these public health policies and procedures will be rescinded and will announce this to the community at the appropriate time.

## **2.3 SAFETY POLICIES**

### **2.3.1 Firearms and Weapons**

In order to ensure a safe environment for employees, students, and visitors, the possession, transport, storage, use, or sale of weapons or hazardous materials, including firearms, is prohibited on the property of the University, at work sites and University functions, or at any time for students and for employees during the course and scope of performing their job duties on behalf of the University. Weapons include, but are not limited to, firearms, knives, swords, arrows, air pellet guns, paint ball guns, or any item resembling any of these items.

Specifically, the University prohibits all persons who enter its property from carrying a handgun, firearm, or other weapon of any kind onto its property, regardless of whether the person is licensed to carry the weapon or not. The policy covers all property owned by or operated by the University, including buildings and surrounding areas such as sidewalks, walkways, driveways, and parking areas under University ownership or control. Vehicles of the University are covered by this policy at all times regardless of whether they are on University property at the time or not. This policy also applies to personal vehicles when they are being used for University business.

This policy applies to all employees, students, and visitors, or any other individuals on University property or at University functions. Employees are prohibited from carrying a weapon while on University property or while performing any task on behalf of the University, whether they are on workplace property at the time or not, regardless of whether they are licensed to carry a concealed weapon at other times or places.

The University reserves the right to conduct searches of any person or vehicle that enters University property. This provision includes searches of clothing, lockers, purses, bags, backpacks or briefcases, and vehicles on the property.

Anyone violating this policy will be subject to disciplinary action up to and including immediate termination or dismissal.

## **2.3.2 Public Safety**

Uniformed officers patrol the campus 24 hours a day. You may contact a public safety officer by dialing 314-599-2947. If the officer is on the telephone when you call, you will receive a voice mail message. You may leave a message and the officer on duty will return your call as soon as possible. Please report any unsafe conditions, situations, and/or suspicious people on campus to:

- Public Safety by dialing 314-599-2947

## **2.3.3 Security Policies**

The campus is located within the jurisdiction of the City of Clayton Police Department. In emergencies, you may contact Public Safety by dialing 314-599-2947 or the Clayton Police Department or Fire Department by dialing 911.

1. **Residence Halls:** All residence hall buildings and/or stairwells should be locked at all times. Residents have keys or key cards to gain access to the building. Phones are provided on the outside of each residence hall for visitors to call the resident they wish to see. Residents must escort their visitors at all times once they enter the residence halls.

If suspicious persons are found in or around the residence halls, report them to a Resident Assistant (RA) or to the public safety officer on duty. Resident students are also advised to lock their room doors at all times and when they leave their rooms. Outside doors to the residence halls should never be propped open and residents are asked to close any open doors, as well.

2. **Sexual assaults:** The Student Affairs Office offers information that promotes awareness about sexual assaults in the following forms: literature is available in Student Affairs office in Ryan and Medaille Halls, information programs are conducted in the residence halls, the policies about sexual harassment are published in this manual and in the Griffin Scratch Student Handbook, and during orientation events for new students.

Students who are victims of sexual assaults are asked to notify the campus Public Safety Office or the Student Affairs office as soon as possible. Students are advised to seek immediate medical treatment at the nearest hospital.

Victims of sexual assaults are also encouraged to notify the Clayton Police Department. If desired, the Public Safety Office or staff in Student Affairs will provide assistance in notifying law enforcement authorities.

Counseling is available for confidential short-term counseling for students who are victims of a sexual assault through Provident Behavioral Health.

Victims who wish to bring disciplinary action against a student should report the incident to the Office of Student Affairs. Accusations of sexual assault will be processed according to the procedures specified in Section 2.1.2.8 above. Sanctions against students who are responsible for sexual assault may include, but are not limited to, expulsion from Fontbonne, dismissal from the residence hall, and partial dismissal (i.e., from one or more classes).

3. The Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act (42 U.S.C. §14071 (j)) requires that information concerning registered sexual offenders who may be attending or employed by an institution of higher education must be maintained. The Clayton Police Department ((314) 727-4130) maintains this information for Fontbonne University.

### **2.3.3.1 CRIME ON CAMPUS**

#### **2.3.3.1.1 Compiling Crime Statistics**

Certain Fontbonne administrators and department offices have been designated to complete a Campus Crime Report form when an incident involving alleged criminal activity is reported to them. The completed Campus

Crime Reports are forwarded to the Public Safety Office. The Public Safety Office uses these reports to compile campus crime statistics.

Fontbonne University administrators and offices that are in the position to receive and complete reports of criminal activity include:

1. Senior Administrators and their offices: This includes the Provost, Vice President for Finance and Administration, Vice President for Operations, , and Director of Athletics.
2. Public Safety officers

Director of Residence Life

3. Executive Director for Student Affairs
4. Assistant Athletic Director and Head Athletic Trainer

The Campus Crime Report form is found in Appendix 2.3.3.1.1.

Fontbonne University encourages victims and witnesses to report all criminal activity. The University responds to all reported incidents and investigates each incident to the fullest extent possible. When appropriate, the Director of Public Safety coordinates investigations with other University officials and/or the Clayton Police Department.

### **2.3.3.1.2 Daily Crime Logs and Incident Reports**

The Public Safety Department prepares and maintains a brief report summarizing incidents and crimes that are reported to the department. Entries are posted to this log within two working days from the date a report is received. Entries to this log may be delayed if releasing information adversely effects an investigation or jeopardizes the safety of the people involved, or for other reasons. The Crime log for the prior 60 days can be viewed in Ryan Hall, Room 306. Anyone wishing to review entries older than 60 days should contact the Vice President for Operations.

[http://www.fontbonne.edu/studentlife/oncampus/publicsafety/crime\\_and\\_fire\\_reports/](http://www.fontbonne.edu/studentlife/oncampus/publicsafety/crime_and_fire_reports/)

### **2.3.3.1.3 Annual Crime Statistics**

In accordance with the Clery Act, 20 U.S.C. § 1092(f), crime statistics for the following offenses must be compiled and disseminated annually:

1. Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.
2. Manslaughter by Negligence: The killing of another person through gross negligence.
3. Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
4. Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed).
5. Forcible Sex Offenses: Any sexual act directed at another person, forcibly and/or against that person's will; or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her physical or mental incapacity.
6. Non-forcible Sex Offenses: Unlawful, non-forcible sexual intercourse.

7. Burglary: The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
8. Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
9. Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned – include joyriding.)
10. Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)
11. Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and marketing of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, benzedrine).
12. Weapons Law Violation: Violations of law or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
13. Violations of Fontbonne University’s Alcohol policy.
14. Violations of Fontbonne University’s Drug policy.
15. Violations of Fontbonne University’s Weapons Possession policy.

Of these crimes and other crimes in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim, this data shall be collected and reported according to category of prejudice.

#### **2.3.3.1.4 Reported Criminal Offenses**

The number of these reported criminal offenses has been summarized and is available for review on Fontbonne University’s website Most Recent Crime Report at <https://www.fontbonne.edu/student-life/student-services/public-safety/crime-fire-reports/>.

### **2.3.4 Timely Warnings and Emergency Notifications Policy and Procedure**

#### **2.3.4.1 TIMELY WARNINGS**

It is the university’s policy to issue Timely Warnings to the campus community any time a campus security authority (or local law enforcement agency) receives a report of a Clery Act crime that has occurred on the Clery Act Geography that, in the judgement of the Vice President for Operations (or designee), constitutes a serious or continuing threat to students or employees. The university’s Timely Warnings are known as “CAMPUS SAFETY ALERTS,” and these Alerts will be distributed as soon as pertinent information is available, in a manner that withholds the names of the victims as confidential, and with the goal of aiding in the prevention of similar occurrences.



The Vice President for Operations (or designee) evaluates each crime reported to DPS on a case-by-case basis to determine whether, based on the facts known at that time, there is an ongoing threat to the campus community. Factors taken into consideration include but are not limited to: the nature of the crime and the continuing danger to the campus community. Campus Safety Alerts are typically issued for the following Crimes Reporting Program (UCR) and National Incident Based Reporting Systems (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter.
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger campus community).
- Robbery involving force or violence (cases involving pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice but will be assessed on a case-by case basis).
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Vice President for Operations or designee) reported cases of sexual assault, are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community; however, all cases of sexual assault, including stranger and non- stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson.
- Other Clery Act Crimes as determined necessary by the Director of Public Safety or designee. The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

Once the Director of Public Safety (or designee) determines that a Campus Safety Alert should be issued to the campus community, he/she will provide the Vice President for Enrollment and Marketing with pertinent information regarding the incident so that he/she can draft the content of the Campus Safety Alert. The VP of Marketing & Communications (or designee) has primary responsibility for developing the content of the Campus Safety Alert; however, the Director of Public Safety (or designee) is also authorized to draft an Alert in an emergency.

The content of Campus Safety Alerts varies depending on what information is known at the time and the type of offense involved; however, the following information (if known) is typically included unless it could potentially compromise law enforcement efforts or victim confidentiality:

- Date/time/location of the crime.
- Brief description of the crime.
- Suspect description(s).
- DPS and/or law enforcement contact information.
- Relevant crime prevention or safety tips.

Campus Safety Alerts are always communicated via blast emails to all Fontbonne email addresses registered at (Fontbonne Community). This would include students, faculty & staff with a fontbonne.edu mail address. The University may also choose, on a case-by-case basis, to supplement the primary methods of issuing Campus Safety Alerts with one or more of the following additional methods of communications: text messages to mobile numbers registered with Fontbonne Alert System (RAVE), posting information to the University’s official social media pages, posting information to the University’s official website, or posting it to users on the University’s ALERTUS system.

The Vice President for Operations (or designee) has primary responsibility for issuing the Campus Safety Alerts to the campus community using the methods described above; however, the Executive Director of Student Affairs (or designee) is also authorized to issue Alerts via any of these methods in an emergency.

If the Vice President for Operations (or designee) determines that an update to the original Campus Safety Alert should be issued, the update will be prepared and issued using the same procedures and methods as the initial Campus Safety Alert.

#### **2.3.4.1.1 Campus Safety Advisories**

While the Clery Act does not require universities to issue Timely Warnings for non-Clery Crimes or crimes which do not occur on Clery Act Geography; the Vice President for Operations(or designee) may choose from time to time to issue notices to the campus community of other types of crimes or crimes which occur near the university but outside of its Clery Act Geography. These notices are known as “Campus Safety Advisories” and they may be issued in a variety of ways to all or a portion of the members of the campus community.

Institutions are required to inform the campus community about a “significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.” An emergency response expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (e.g., a fire or infectious disease outbreak). Colleges and universities with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Institutions are mandated to disclose a summary of these procedures in their ASR. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.

#### **2.3.4.2 EMERGENCY NOTIFICATIONS**

It is the University’s policy to immediately notify the campus community (in the form of an Emergency Notification) any time DPS confirms that there is a significant emergency or dangerous situation which poses an immediate threat to the health or safety of students, faculty or staff occurring on the campus. The Vice President of Operations(or designee) is notified and is responsible for determining the appropriate segments of the campus community to receive a notification based on the type of incident involved and its location.

Any time the Vice President of Operations is notified about a potential emergency or dangerous situation on the University’s Clery Act Geography, He/She will then reach out to the appropriate University administrators, local first responders and/or the National Weather service to quickly gather enough basic information to evaluate whether the situation poses an immediate threat to the health, or safety of student’s faculty or staff at that time. If the Vice President of Operations(or designee) confirms that there is not a significant emergency or dangerous situation which poses an immediate threat to the community the VPwill continue to monitor the situation.

Examples of situations which would require an Emergency Notification include, but are not limited to: an active shooter on campus, serious inclement weather such as a tornado, or a serious spill of hazardous materials. Whenever there is confirmation of a significant emergency or dangerous situation as described above, Fontbonne University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Once the Vice President of Operations determines that an Emergency Notification should be issued, he/she will send out an Emergency Notification. The content of Emergency Notifications varies depending on what information is known at the time and the type of emergency involved, however, the following information (if known) is typically included:

- The nature of the emergency
- The action to be taken (e.g., Evacuate; Seek Storm Shelter; Shelter in Place)
- Additionally, “GO TO” and “AVOID” may be used in the event normal response procedures

would place personnel at risk

- Where to obtain further information and/or updates on the emergency

Emergency Notifications are always communicated via the following methods: Email blast to all addresses associated with this campus which are registered with the Fontbonne email system . Alerts; Rave text message alerts to any mobile devices associated with this campus which are registered with Fontbonne Alerts; broadcast announcements with the University Broadcast system.

The University may also choose, on a case by case basis, to supplement the primary methods of issuing Emergency Notifications with one or more of the following additional methods of communications: posts on the University’s official social media pages; alerts posted to digital signage located on campus; and desktop alerts to any computers on campus which are connected to the University’s network. The Vice President of Operations has primary responsibility for disseminating the Emergency Notifications in the primary and secondary methods described above; however, the Executive Director for Student Affairs(or designee) at the Fontbonne campus is also authorized to disseminate Notifications via any of these methods if necessary.

The University always provides information regarding any emergency notifications to the larger community by posting information on the University website’s main page ([www.fontbonne.edu](http://www.fontbonne.edu)). The University may also decide on a case by case basis to utilize its official social media accounts or provide information directly to local or national media.

The Vice President for Operations will stay in close contact with appropriate University administrators, DPS, local first responders, and/or the National Weather Service as the situation unfolds, so that the Director can determine when it is appropriate to provide follow up information to the community. Any follow up information will be provided using the same procedures and methods as the initial Emergency Notification.

The University publicizes its emergency response and evacuation procedures in all classrooms and Student, Faculty & Staff areas around campus. Tests include regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Drills are relatively small-scale activities that are designed to focus on specific areas or specific sections of this plan which are normally developed and evaluated by internal personnel to help acquire knowledge/skills. Exercises are generally larger in scale and are formal events and are designed to be as close to “real-life” as possible. They are typically not stopped or interrupted to make corrections except for safety

concerns or real incidents that could impact the participants. The exercises have a debriefing and a critique at the conclusion. The purpose of exercises is to test the knowledge/skills of the participants.

## **2.3.5 Emergency Response Policies & Manual**

### **2.3.5.1 INTRODUCTION**

Fontbonne's emergency response manual outlines activities to enhance the protection of lives and property through the effective use of our resources. Activities included in this document are responses to emergencies that cannot be handled by routine measures and preventive measures to help reduce exposure to unsafe conditions.

This manual was developed specifically for the use by Fontbonne administrators in response to emergencies. It should be used as a guideline in training faculty, staff, and students to respond properly during an emergency.

It should be noted that the guidelines describing the response to emergency situations are general in nature. This is to allow flexibility in dealing with the unpredictable and unique circumstances surrounding each emergency. While this manual does not cover every conceivable situation, it does supply the basic administrative guidelines necessary to cope with any emergency occurring at Fontbonne.

The Emergency Response Manual is available on the Public Safety website: <https://www.fontbonne.edu/campus-life/public-safety/emergency-procedures/>.

#### **2.3.5.1.1 Authorization and Procedural Changes**

The Emergency Response Manual has been authorized and approved by the Executive Leadership Team (ELT) for Fontbonne University. The Public Safety Department has the responsibility of maintaining this manual. All requests for procedural changes, suggestions or recommendations should be submitted in writing to the Public Safety Department for review. All changes to this manual will be approved by the President's ELT.

#### **2.3.5.1.2 Scope**

These procedures apply to all people who frequent property owned or operated by Fontbonne University. This includes faculty, staff, student, and visitors. For the purposes of this manual, contract employees permanently assigned to Fontbonne University will be held to the same expectations as Fontbonne University employees in regards to preparing and training their employees in accordance to this manual.

#### **2.3.5.1.3 Responsibilities**

It is the responsibility of all vice presidents to:

- Ensure each department under their supervision is furnished a copy of this manual. Additional copies may be downloaded from the Public Safety section of the Fontbonne web site.
- Ensure changes in this manual are disseminated to those holding copies of this manual. Vice presidents will have changes submitted to them.
- Issue an annual statement to their departments reminding supervisors, directors, and faculty members of their responsibility as outlined in the Emergency Response Manual.

Each director, supervisor, and faculty member should read and be familiar with the contents of this manual. All directors and supervisors are responsible for people under their supervision. Faculty members are responsible for the students in their classes. Responsibilities of directors, supervisors, and faculty members in regard to this manual are outlined below:

#### **During Normal Conditions**

- Ensure their faculty/staff/students are aware of the appropriate response to emergencies as well as the evacuation procedures for their specific building and/or work area. The guidelines in Addendum A

may be reproduced, circulated, and used as training aid in fulfilling this responsibility. See section 4.2 for further details regarding training.

- All unsafe practices and conditions observed should be stopped or reported to either the Physical Plant Office at extension 4564 or the Public Safety Office at 314-599-2947.
- All suspicious activities and illegal acts you observe should be reported immediately to the Public Safety Office at 314-599-2947.

### **During Emergency Conditions**

- Report all emergencies to either the Public Safety Office 314-599-2947 or dial 911.
- If evacuation is necessary, activate the building alarm and/or alert others of the emergency.
- Help move people to safety.
- Request emergency assistance.
- Assist emergency response personnel if assistance is requested.
- Fulfill recovery responsibilities as detailed in section 3 of the manual.

## **2.3.6 Catastrophic Events**

In the event of a catastrophic event that disrupts instruction, impacted students will receive the services for which they have paid or reasonable financial compensation for those not received. This may include alternative forms of instruction, assistance with transfer, teach-out provisions, or other practices deemed sufficient to protect consumers.

## **2.3.7 Pranks**

Fontbonne University prohibits any type of prank, including, but not limited to, signs, letters, communications concerning threats, or suspicious substances imitating anthrax or other chemicals. The University will not tolerate such actions.

## **2.3.8 Late-Start Class Schedule Due to Inclement Weather**

In the event of severe weather, power outage, or other scenario that adversely affects the normal class schedule; the university may need to go on a “late start” class schedule. This schedule is published in the Griffin Scratch, fall and spring course schedules, and on the Fontbonne website.

## **2.3.9 Drone Policy**

For purposes of this policy, the term “Drone” means:

Any unmanned aircraft or unmanned vehicle, unmanned remote control and free-flight drones, helicopters, airplanes, mechanically propelled or propellant guided balloons, and rockets, of any size or weight, along with all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate any of the foregoing objects.

The use of drones on or in University owned, rented, or leased property or buildings by individuals for recreational purposes is strictly prohibited.

The use of drones for non-recreational purposes, including research, teaching, business operations and third-party operations is also prohibited, but may be allowed on a case-by-case basis with the written consent of Fontbonne University via the President of the University or his/her designee.

### **2.3.10 Pets in University Buildings**

No dogs or other pets or animals of any kind are permitted in University buildings. This policy does not prohibit the presence of:

- Service Animals, as permitted in the Service Animal policies located in Volume II of the Fontbonne University Policy Manual and the Griffin Scratch Student Handbook
- Assistance Animals in student housing, as permitted in the Assistance Animal Policy located in the Griffin Scratch Student Handbook
- Animals used solely for University research or education purposes
- Therapy dogs that may be brought to campus as part of mental wellness programming for students, faculty and staff
- On-duty law enforcement dogs

Any request for a limited exception to this policy should be directed to the Chief Financial Officer.

## **2.4 INFORMATION TECHNOLOGY POLICIES**

### **2.4.1 Information Technology and Electronic Communications Policy**

All information technology systems and all electronic communications systems, and all information and communications transmitted by, received from, and stored in these systems, as well as any software, hardware, and business equipment, including but not limited to servers, computers, printers, copy machines, facsimile machines, telecopiers, telephone systems, E-mail systems, and Internet systems, are Fontbonne University property and are to be used for job-related purposes. All persons who use the University's information technology systems or electronic communications systems must follow the procedures described in this policy, and any other procedures required by the University.

#### **2.4.1.1 PERSONAL USE OF UNIVERSITY EQUIPMENT & SYSTEMS**

Employees may make limited personal use of the University's information technology systems or electronic communications systems only if it does not interfere with their work and does not adversely reflect upon the University. Any such use is subject to the sole discretion of the University.

Employees who make personal use of Fontbonne University's equipment or systems do so at their own risk and with the understanding that the University may access or monitor the use of such equipment at any time. The University's monitoring may include inspecting, retrieving, or downloading current, stored, or deleted material.

Employee's personal files (i.e. those not related to the conduct of university business) should not be stored on university-owned computers or network resources. The university will not retrieve any personal files for an employee (based on their request or of their designee) from any of its computer systems for any reason either during the period of employment or upon termination of employment. Likewise, employees should not destroy or remove any work product created during employment.

Improper use of the University's computers, telephone systems, E-mail systems, and Internet systems, including the creation or dissemination of offensive jokes or remarks, or pornographic material, will not be tolerated. An employee will be held liable for any non-work-related data or files which he or she creates, copies, or downloads in Fontbonne University's information technology systems. Employees who violate this policy are subject to disciplinary action up to and including termination of employment.

### **2.4.1.2 INFORMATION TECHNOLOGY & ELECTRONIC COMMUNICATIONS PROCEDURES**

1. All University information contained in University systems is to be used for its authorized purpose only. Unauthorized access, copying, or dissemination of University information is prohibited. Unauthorized persons are prohibited from accessing this information.
2. All access codes for University systems, including but not limited to files, computers, servers, E-mail systems, and Internet systems, are University property. No employee may use an access code that has not been issued to that employee or that is unknown to the University.
3. Unauthorized configuration or setup changes to any University equipment or systems are prohibited.
4. No hardware or equipment of any kind can be attached to or installed in University equipment or systems without prior authorization from the IT Department.
5. No data, files, software, or Email or Internet downloads are to be brought into University equipment or systems without prior authorization from the IT Department.
6. University anti-virus and other cybersecurity procedures must be followed when entering any data, files, software, or Email or Internet downloads into University equipment or systems and when using any University equipment or system.

### **2.4.1.3 EMERITUS FACULTY NETWORK ACCOUNT POLICY**

Continued network account access granted to emeritus faculty is subject to the following restrictions:

1. Emeritus faculty must explicitly request to maintain a post-employment network account within 30 days of being accorded Emeritus status; otherwise, accounts are deleted when employment ceases. This timeframe for making the request will be extended accordingly if Board of Trustees' approval of Emeritus status is pending. Accounts will be set to retain no more than 5000 messages or 1 GB of storage, whichever threshold triggers the system first. If you have opted in, message board emails count towards this limit.
2. The email account must be logged into at least once every 90 consecutive days through the Web Interface to keep the network account active. Inactive email accounts (and the messages they contain) will result in the network account being removed.
3. Individuals must be set up with the university's password reset system to minimize requests for Help Desk assistance in resetting passwords.
4. Emeritus accounts are subject to the university's Acceptable Use Policy and any other policies applicable to university network accounts.
5. Emeritus faculty are obliged to maintain privacy of student information pursuant to the university's FERPA and other policies.

Emeritus faculty must vacate their offices by May 15, 2025. All other emeritus faculty benefits end on September 1, 2025.

### **2.4.1.4 COMMUNICATIONS PRIVACY**

The University expects all users of electronic communications systems to respect the general privacy of any user. As set forth above, the University, including any supervisor, may access or monitor electronic communications systems.

## **2.4.1.5 FONTBONNE UNIVERSITY INFORMATION DISPOSAL POLICY**

The policy and associated guidance provide requirements for disposal of protected or confidential information. Fontbonne University is committed to protecting the privacy of Personally Identifiable Information (PII) of its students, faculty, staff and all associated with the university.

This policy applies to systems connected to the Fontbonne University network (including hardware, software, systems and data) and applies to faculty, staff and students and other agents of the University.

Protected and confidential information is required to be permanently rendered unrecoverable from all forms of media before it is disposed of or reused. This is to prevent recovery of data from unauthorized sources.

All forms of media will be secured while in transit to reduce the risk of unauthorized access, corruption or misuse of data.

## **2.4.2 Communications via SMS (Text Messaging)**

### **2.4.2.1 INTRODUCTION**

This policy sets out the way in which Fontbonne University may use mass text messaging to effectively communicate to prospective and admitted students while being a good steward of information, respecting the privacy and wishes of the recipients, and adhering to applicable state and federal laws. The Policy is to support best practices and minimize overuse of texting. The University may use text messaging to complement existing forms of communication such as letters, email, social networking sites and the University's website. Mass text messaging must support other forms of communication and not be the primary means of communication.

Except for emergency communication, only those who have opted-in will receive text messages from Fontbonne University.

### **2.4.2.2 EMERGENCY COMMUNICATIONS**

In emergency situations, Fontbonne University may send automated texts without consent. In addition, Fontbonne may automatically enroll students in the emergency notification service. Any student may opt-out of receiving emergency notifications via text message. Fontbonne University will biannually purge the emergency notification enrollment list to remove students no longer affiliated with the university. In addition, Fontbonne University allows any person to opt-in to receive emergency notifications.

Emergency messages may be used to communicate any situation affecting the health and safety of members of the University community. These include weather closures, fire, health risks, and threats. Emergency messages may be sent at the direction of the president or divisional vice president.

### **2.4.2.3 INFORMAL/NON-MASS TEXTING**

Students in defined groups such as athletic teams and student organizations may choose to receive text message via group texts or via group messaging platforms such as GroupMe. Employees may send text messages to students in these groups as long as the messages are related to the purpose of the group. Students who state a clear desire to leave group messaging must be removed immediately. Students may opt-in by self-enrolling in the group message or by explicitly providing their text message to the group organizer with the intent of receiving text messages.



The university currently does not utilize a system that would allow texting from university numbers. After obtaining permission from the student, employees may occasionally text an individual student from personal cell phones. Employees are not expected to use personal cell phones for this purpose. Employees should cease communication via text message immediately if a student requests.

#### **2.4.2.4 OTHER TEXTS**

Other than as described above, text messaging may not be used to communicate with students without permission of the Vice President for Finance and Administration/CFO.

(Policy 2.4.2 was modeled on a policy from Western Michigan University, accessed April 19, 2022, <https://wmich.edu/policies/mass-texting-policy>.)

## **2.5 COPYRIGHT POLICY**

Fontbonne University seeks to create an environment dedicated to the creation, preservation, and dissemination of knowledge and ideas through research, teaching, and service. Fontbonne's copyright policy is grounded in [Title 17 of the United States Code \(1976\)](#). The policies outlined here are based on copyright law, the Fair Use of Guidelines of 1997, the TEACH Act of 2002, the Digital Millennium Copyright Act, and the DMCA exemptions of 2006.

Copyright is the ownership and control of the intellectual property in original works of authorship which are subject to copyright law. All rights in copyright shall remain with the creator unless the work is a work-for-hire (and copyright vests in the University under copyright law), is supported by a direct allocation of funds through the University for the pursuit of a specific project, is commissioned by the University, makes significant use of University resources or personnel, or is otherwise subject to contractual obligations.

This policy applies to all members of Fontbonne community, including faculty, staff, and students.

### **2.5.1 Objectives**

The objectives of this policy include the following.

- To preserve and protect our academic values that foster the open exchange of ideas and the traditional practices and privileges with respect to the dissemination of scholarly works;
- To assure that the university's involvement in the creation of scholarly and instructional works is used to promote the broadest public good;
- To promote and support the use of information technology in the research, instructional, and service mission of the university for the advancement of teaching and learning;
- To encourage members of the university community to be responsible users of copyrighted works and to take full advantage of fair use rights in their research, teaching, and service activities.

### **2.5.2 Definitions**

Copyright grants to the author or originator the sole and exclusive privilege of creating multiple copies of literary or artistic productions and publishing and selling them. Copyright protection exists for original works fixed in any tangible medium of expression, including but not limited to:

- literary works
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic work
- pictorial, graphic, and sculpture work
- motion pictures and other audiovisual works
- sound recordings

### **2.5.3 Student Works**

Student works include any essays, research papers, artistic works, and homework assignments submitted during the course of their study at Fontbonne University. Upon submission, the student gives the University the right to share such works with other faculty members, retain for reference and assessment, and/or submit such works to an anti-plagiarism service.

Student works submitted to University Archives and/or GriffinShare Digital Commons or other University repository are subject to a non-exclusive distribution license, usually a Creative Commons Attribution-Non-Commercial-No-Derivatives ([CC BY-NC-ND 4.0](https://creativecommons.org/licenses/by-nc-nd/4.0/)), which gives Fontbonne the right to make copies as needed (for preservation purposes) and to make the work available online.

Students otherwise retain the copyright and ownership of their own work.

### **2.5.4 Violations**

Violating copyright law carries with it serious legal ramifications, including the possibility of lawsuit by the copyright holder. Abiding by copyright law is also a matter of professional ethics. Penalties can be costly, both financially and professionally. Compliance with federal copyright law and with this policy is the responsibility of every member of the Fontbonne community, including faculty, staff and students. Failure to do so puts both the individual and the institution at risk. All members of the Fontbonne community are expected to take a personal interest in becoming informed about how copyright law affects our work and the interests of Fontbonne University.

### **2.5.5 Digital Copyright Compliance & Peer-to-Peer File Sharing**

Peer-to-peer applications include programs used to share large files, such as music and movies among client computers. While these programs can be used for legitimate purposes that do not violate copyright laws, they are most often used to transmit copyrighted works without the consent of the copyright owner.

Downloading, copying and sharing material (*i.e.*, music, movies, games, and software applications) for which the copyright holder has not given permission is against the law and in violation of Fontbonne University's Acceptable Use Policy for computing resources.

The Higher Education Opportunity Act (HEOA) of 2008, also referred to as H.R.4137, was signed into law on August 14, 2008. The HEOA includes specific statements requiring colleges and universities to comply with digital copyright laws.

Beginning in July 2009, Fontbonne University has instituted the following:

- Distribution of an annual announcement to all faculty, staff and students that the distribution of copyrighted materials without proper permissions is subject to both civil and criminal penalties
- Implementation of a bandwidth shaping device to deter unlawful file sharing
- Distribution of information on legal alternatives for file sharing

The University reserves the right to initiate penalties for violations as listed in its Acceptable Use Policy. These policies will be reviewed regularly by Fontbonne’s Information Technology department and updated as appropriate.

### **2.5.6 Additional Resources**

More information about copyright, including a list of Frequently Asked Questions and additional resources, is available on the library website: <https://library.fontbonne.edu/copyright>.

## **2.6 USE OF UNIVERSITY NAME, SEAL, AND LOGO**

The University’s name, seal, and logo are the exclusive property of the University and, consequently, may not be used in connection with goods or services offered by any outside organization without the prior permission of the president or area vice president. Members of the campus community publish a considerable number of reports in the form of bulletins, circulars, scientific articles, monographs, and books, some of which are copyrighted and others of which are not. Material from such recognized publications is, of course, quotable, and proper recognition should be given to both the individual author and to the University in connection with such quotations.

Official stationery may not be used in connection with “outside activities” except with respect to those academic and scholarly activities described above. No report or statement relating to outside activities may have the name of the University attributed to it. The use of official University titles for personal gain or publicity is prohibited without the written approval of the president or area vice president.

Members of the campus community, either individually or collectively, shall not officially use the name, seal or logo of the University in any activity outside of the regular work of the University. Violation of this rule is regarded as sufficient cause for dismissal or expulsion.

## **2.7 COMMUNICATIONS AND MARKETING POLICIES**

The Communications and Marketing Department looks for potential news stories that highlight faculty, staff and student activities and achievements. The office develops appropriate stories as news releases or media advisories to St. Louis area news media and other relevant media outlets. Members of the campus community with potential story ideas should draft a brief description and email it to [marketing@fontbonne.edu](mailto:marketing@fontbonne.edu). You can also call 314-889-1467.

If members of the campus community are contacted directly by the news media for interviews, photos, or video on campus, they should notify the Director of Athletics immediately before committing to any involvement.

### **2.7.1.1 SOCIAL MEDIA POLICY**

When participating in social media or on social networking sites, employees should be respectful to Fontbonne, other employees, students, co-workers and competitors. Employees should be aware that actions captured via images, posts or other online comments can reflect that of Fontbonne. When participating in social media or on social networking sites, do not reference faculty, staff or students without their express consent. Anyone posting inappropriate content on Fontbonne’s social networking sites may be subject to discipline.

Only employees and students specifically designated by the Marketing & Communications Department, are authorized to make statements on behalf of or as a representative of the Fontbonne University in any format – verbal, written, or electronic – on any Fontbonne University website or social media site. This includes but is not limited to creating social media accounts or groups on behalf of Fontbonne departments, programs, or organizations.

## **PROCESS FOR REQUESTING A NEW SOCIAL MEDIA ACCOUNT**

Should a Fontbonne group or organization see the need for a new social media account, a representative should send a formal request to [marketing@fontbonne.edu](mailto:marketing@fontbonne.edu). The Marketing & Communications department will follow up to obtain additional details necessary to determine if a new social media account can be created.

### **2.7.2 Fundraising Coordination**

Such activities are welcomed. However, to avoid conflicting programs, our University policy is that no person or organization on campus is authorized to solicit a corporation for a donation or gift-in-kind in the name of the University without advance written authorization from the president. This includes the solicitation of ads for ad books, sponsorships, gifts of equipment, or direct contributions of money, plus anything else that qualifies as a “donation.”

### **2.7.3 Alumni**

No person or organization on campus should send mailings or other communications to alumni or groups of alumni without advance written authorization from the Director of Alumni Engagement and Annual Giving.

## **2.8 RESEARCH POLICIES**

### **2.8.1 Use of Human Participants in Research**

The rights of human beings who are asked to participate in research projects must be protected. Among these are the right not to be harmed, the right to self-determination, the right to privacy, the right to obtain services, the right to self-respect and dignity, the right to confidentiality, and the right to withdraw or refuse to participate without recrimination. Most importantly, human participants have the right of informed consent. (See Appendix 2.7.1.1). The policies and procedures outlined in this statement seek to secure these rights.

Fontbonne University affirms its policy to safeguard and respect the rights and welfare of human participants in research. In order to do this, the University is responsible for providing review and approval of all research which involves human participants. All research conducted at or sponsored by Fontbonne University whether subject to or exempt from prior review, must:

1. Adhere to the Belmont Principles;
2. Be in compliance with the Nuremberg Code or one of the ethical codes developed by various professional associations; and
3. Adhere to the policies and procedures set forth herein.

This applies to all research, irrespective of funding, carried on at the University or under the University’s auspices.

The responsibility to protect human participants in research has been assigned to the Institutional Research Review Board. The primary function of the board is to assist the investigator in the protection of the rights and welfare of human participants. Investigators should not bear the sole responsibility for determining the standards of ethical conduct of research involving human participants. It is necessary for others who are independent of this research to share in this responsibility. The use of human participants is a privilege granted to the investigator rather than a right. The policies and procedures of this board are designed to meet minimal criteria established by Federal law and regulations; see Title 45 C.F.R. Part 46. The Office of Academic Affairs is the administrative office for the Institutional Research Review Board.

Depending on the nature of the research and the degree of risk, there are varying levels of review. Three levels of review have been established:

1. Exempt status;
2. Expedited review; and
3. Full review.

The Institutional Research Review Board approval of a research endeavor will be valid for a period of one year from the date of the approval. A proposal or research in progress in which the instruments and/or methodology is changed must be resubmitted to the Institutional Research Review Board which will determine if a major change has taken place. It is the responsibility of the Institutional Research Review Board to determine what constitutes a major change in a proposal. Major changes in approved proposals require a review and re-approval by the board.

Research should not be initiated until confirmation of exemption or approval has been received. Anyone intending to do research involving human participants must contact the Office of Academic Affairs (314-889-4551) for information about procedures. Additional information about the process and sample forms are available in GriffinShare: <https://griffinshare.fontbonne.edu/irb>.

## **2.8.2 Institutional Research Review Board**

### **2.8.2.1 MEMBERSHIP**

Please refer to Policy Manual I, section 1.5.3.6.

### **2.8.2.2 PROCEDURES**

1. The Institutional Research Review Board members are appointed by the Provost.
2. The Institutional Research Review Board shall meet once a year to review procedures and changes in regulations.
3. "Exempt review status" requests for approval will be reviewed by two Institutional Research Review Board members. The researcher shall be notified of the Institutional Research Review Board decision within two weeks.
4. "Expedited review status" requests for approval will be reviewed by at least three Institutional Research Review Board members. The researcher shall be notified of the Institutional Research Review Board decision within three weeks.
5. "Full review status" requests will be reviewed at meetings of the Institutional Research Review Board at which a quorum is present. A majority of the Institutional Research Review Board must approve the proposal. The researcher shall be notified of the Institutional Research Review Board decision within four weeks.
6. The Institutional Research Review Board shall use as minimal criteria for approval, the Code of Federal Regulations, Title 45, Part 46.
7. If proposed research is disapproved, the Institutional Research Review Board shall include a written statement of reasons for its decisions and give the investigator an opportunity to respond.

## **2.8.3 Request for Approval of the Use of Human Participants in Research**

### **2.8.3.1 CATEGORY FORM AND PROCEDURES**

All research involving human participants must be approved by the Fontbonne University Institutional Research Review Board before the research is begun. All researchers must complete research ethics training and provide documentation of completion with review requests. Choose the appropriate level of review, check the correct category, and attach the appropriate application form to your proposal. In conformity with U.S. Department of Health and Human Services regulations, there are three separate avenues for review. Please make sure that you submit the appropriate form. Direct any questions to the Office of the Provost at (314) 889-4551.

### **2.8.3.1.1 Screened for Exempt Status Review**

The exempt category covers research of minimal or no risk in the following situations: (For more detailed descriptions and limitations consult Title 45, Part 46.101(b)). (See Appendix 2.7.1.4.1.1 for request forms.)

1. In established or commonly accepted educational settings, involving normal educational practices.
2. Involving the use of educational tests, survey procedures, interview procedures, or observation of public behavior, if:
  - a. The participants cannot be identified, either directly or through the identifiers linked to the subject;
  - b. The subject's responses, if they become known outside the research, could not place the subject at risk of criminal or civil liability or be damaging to the subject's financial standing, employability, or reputation;
3. Research involving educational tests not otherwise allowed under (2) if the participants are elected or appointed public officers or candidates or federal statute requires without exception the confidentiality of the personally identifiable information;
4. The use of existing data;
5. The evaluation of public benefit or service programs conducted by or subject to the approval of the department or agency head; and
6. Taste and food quality and consumer acceptance.

### **2.8.3.1.2 Expedited Review**

Expedited Review covers all research in which risk to the subject is minimal, such as procedures involving small amounts of blood, dental plaque, moderate exercise, voice recording, etc. A complete and updated list of eligible research is published in the Federal Register by the Office for Human Research Protections. (See Appendix 2.7.1.4.1.2 for Expedited Review Guidelines.)

### **2.8.3.1.3 Full Review**

Full Review involves more risk to the subject than exempt or expedited. Full review covers all research not falling into the other two categories.

Please complete and return with the appropriate application form to:

Institutional Research Review Board for the Protection of Human Participants in Research  
Office of Academic Affairs  
Fontbonne University  
6800 Wydown Blvd.  
St. Louis, Missouri 63105  
(314) 889-4551

## **2.8.4 Use of Animals in Research**

The well-being of all animals used in research projects is a priority in any project carried out by the University. Any research conducted at or sponsored by Fontbonne University that requires the use of animals is subject to review by the Institutional Animal Care and Use Committee (IACUC) and will conform to the rules and conditions set forth in the Animal Welfare Act. This applies to all research, irrespective of funding, carried on at the University or under the University's auspices.

The responsibility to protect vertebrate animal participants in research has been assigned to the IACUC, which has authority to require that personnel involved in vertebrate animal care have been properly trained, that the use of vertebrate animals is necessary and humane, and that the vertebrate animal care procedures used prior to and during all experimental protocols are appropriate and keep animal discomfort to a minimum. Requests for the

acquisition and use of vertebrate animals must be submitted to the IACUC using the form available through the Office of Academic Affairs. The project must be approved prior to the purchase or acquisition of the animals in question. Approvals are for one year and may be renewed on an annual basis.

## 2.8.5 Scientific Misconduct

Misuse of data and/or procedures in a scientific endeavor include fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data. Accepting that science depends on a foundation of trust and understanding that individuals engaged in a scientific study (or studies) are subject to human frailties and temptations, it must be stated that once misconduct is detected, it must be dealt with quickly in order to sustain that atmosphere of trust which is necessary for science. Scientists are expected to conduct themselves in a trustworthy manner and to take collective responsibility for detecting, judging, and controlling scientific misconduct.

## 2.9 MISCELLANEOUS POLICIES

### 2.9.1 Transportation Policies and Procedures

#### 2.9.1.1 GENERAL INFORMATION

Any **Fontbonne employees** intending to drive Fontbonne students or prospective students on a planned University-sponsored activity *in University rented vehicles or in privately-owned vehicles* must be approved by Fontbonne University as an authorized driver in accordance with section two of this document, must hold a Missouri Class E driver's license or equivalent from another state, and must adhere to the guidelines stated in this document. Planned University-sponsored activities include, but are not limited to, class field trips, athletic events, service projects and trips, and prospective student visits.

Any **Fontbonne students** intending to drive Fontbonne employees and/or students or prospective students on a planned University-sponsored activity in a *University rented vehicle* must be approved by Fontbonne University as an authorized driver in accordance with section two of this document and must adhere to the guidelines stated in this document. Students are not permitted to drive University-owned vehicles. Final permission for an authorized student driver to drive is at the discretion of the activity sponsor. Planned University-sponsored activities include, but are not limited to, class field trips, athletic events, service projects and trips, and prospective student visits.

**Fontbonne students** intending to drive prospective students on a planned University-sponsored activity in a *privately owned vehicle* must be approved by Fontbonne University as an authorized driver in accordance with section two of this document and must adhere to the guidelines stated in this document. Final permission for an authorized student to drive is at the discretion of the activity sponsor.

Groups traveling internationally may rent vehicles only for limited usage with permission of the group's divisional Vice President. The University entity responsible for organizing the trip is responsible for costs associated with the rental of vehicles for their trip and must comply with the provisions of the rental agreement or contract made with the respective rental company. The use of 15 passenger vans should be limited to instances where smaller vans are not available and the van should never be filled to capacity. The maximum number of people in all vehicles will not exceed the number of factory-installed safety belts. Every University-rented vehicle will carry proof of Fontbonne's insurance unless traveling outside the United States. Individuals using University-rented vehicles must get proof of Fontbonne's insurance from the Vice President for Finance and Administration. It is not necessary to purchase the collision/damage waiver offered by rental companies unless traveling outside the United States.

Groups that choose to travel by airlines, trains, buses, etc., will follow the regulations stated in this document if they require rental vehicles for additional transportation once they reach their destination.

Groups intending to drive University rented vehicles or privately-owned vehicles for University-sponsored travel must complete the Driver Contract and Trip Approval form, use properly licensed and insured vehicles, and be driven by authorized drivers. A copy of such form is attached at the end of this document (see Appendix 2.9.1.1). Signed authorization from the group's divisional Vice President and compliance with the guidelines stated in this document are required for trip approval. Failure to adhere to the guidelines stated in this document will jeopardize future trip approvals.

**Any individual who chooses to travel as a driver or as a passenger in University rented vehicles or privately-owned vehicles to attend or take part in any University-sponsored activity assumes all risks and responsibilities of such travel. The University's insurance provides collision and liability coverage on rental vehicles when the vehicles are rented in the University's name and are used for University-sponsored events. Privately-owned vehicles that are used for University-sponsored events are not covered by the University's insurance.**

Current weather and road conditions will be taken into consideration when planning any trip and sources such as the Automobile Club of America (AAA) and state highway patrol offices will be consulted. Cancellation of any trip is warranted if driving conditions are considered too dangerous, a judgment that trip sponsors must defer to the appropriate divisional Vice President or designee. If a group is planning a trip to a region that is known for poor weather and road conditions during particular times of the year, the group will keep in mind the possibility of cancellation.

## **2.9.1.2 AUTHORIZED DRIVERS**

Only Fontbonne University employees (or in certain cases, individuals receiving compensation for their services from the University or serving in a contractual or volunteer capacity) and currently enrolled Fontbonne students are permitted to qualify as Authorized Drivers. A Driving Record Release Form requesting driver authorization must be turned in to the Public Safety Department seven (7) days prior to the trip. A copy of such form is provided here: <https://forms.office.com/r/ZEPth1VDgc>

### **2.9.1.2.1 Driver Authorization Requirements**

1. Potential drivers must be at least 21 years of age and have a valid state-issued driver's license.
2. Fontbonne employees and other individuals paid by Fontbonne or volunteers must obtain a Class E Missouri Driver's License or comparable license from another state.
3. All potential drivers will grant permission to the University to check their driving record history as maintained by the state in which the driver is licensed. This release form will be submitted to the Vice President for Operations at least seven (7) working days in advance of the trip/activity departure time to allow sufficient processing time.
4. The Vice President for Operations will approve or deny driver authorization based upon the following established criteria:
  - a. Individuals are not authorized to drive if they have received more than two moving violations, or more than one speeding violation, within the last 24 months.
  - b. Individuals with serious violations will not be authorized to drive until a review of the records can be completed on a case-by-case basis. These violations include, without limit, vehicular manslaughter, careless or reckless driving, driving under the influence, leaving the scene of an accident, etc.
  - c. Individuals who technically meet the general guidelines but have a prolonged history of moving violations will not be authorized until a review of the records is completed.
  - d. If an individual's driving record meets the above criteria, he/she will be approved as an Authorized Driver. Authorized Drivers will be approved as such on an annual basis.



### **2.9.1.2.2 Authorized Driver Duties and Responsibilities**

1. Comply with University guidelines stated in this document.
2. Obey all traffic regulations.
3. Ensure that all drivers and passengers wear seatbelts.
4. Ensure that there is no drinking of alcoholic beverages or smoking in vehicles.
5. Ensure that no one drives more than three hours at a time without taking a break of at least one-half hour.
6. On extended trips, if more than one vehicle is being used, ensure that vehicles travel in close proximity of each other and stay in contact by cell phone or other communication device. Cell phones may not be used by a driver while driving.
7. Fontbonne employees present on the trip are responsible for making decisions regarding driving breaks, road conditions, weather conditions, and other factors that may affect driving safety while on the trip. If no Fontbonne employee is present or able to make such decisions, then it is the responsibility of Authorized Student Drivers.
8. Ensure, when possible, the immediate suspension of driving privileges if a moving violation is received while operating a university-sponsored vehicle.
9. Report any moving violation to the Vice President for Operations. The driving privileges of any Authorized Driver are automatically revoked whenever the individual receives a moving violation. Individuals who receive a moving violation must resubmit a Driving Record Release form. Driving records must be re-evaluated before revoked driving privileges are restored.
10. Pay traffic fines for any violation(s) incurred by driver.

### **2.9.1.3 ACCIDENTS**

#### **2.9.1.3.1 General Information**

In the event of an accident, an Authorized Driver will follow the guidelines below and complete the Accident Report Form, regardless of the extent or nature of the damage caused or incurred. An electronic form is available here: <https://forms.office.com/r/CjcJB9esuu>. If an accident occurs that is determined to be the fault of an authorized driver, the cost of repairs or a \$250 deductible, whichever is greater, will be charged to the driver's department or organization. If the vehicle is rented, there may be additional procedures as defined in the rental agreement.

#### **2.9.1.3.2 Instructions in the Event of an Accident**

If an accident occurs while a group is using University rented vehicles for transportation to a University-sponsored activity, an Authorized Driver is responsible for following these instructions regardless of the extent or nature of the damage caused or incurred.

1. Contact the police or other local emergency response personnel. (In most areas, emergency personnel can be reached by dialing 911 on any cell phone.)
2. Take necessary steps to prevent additional accidents at the scene.
3. Remain at the scene of the accident until a police report has been taken.
4. If there are injuries to any members of the group that require transportation to a hospital or emergency room facility, record the name, address and phone number of the facility to which injured individuals are taken.
5. Do not make any oral or written statements regarding who was at fault in causing the accident.

6. Contact designated emergency contact person for any individuals injured.
7. Contact Fontbonne's Public Safety Department to report the accident and any injuries. Public Safety can be reached at (314) 599-2947 / 889-4357 (HELP).
8. Contact the Divisional Vice President with administrative oversight for the group.
9. Complete an Accident Report Form. Keep a copy for the group and submit a copy to the Vice President for Finance and Administration. If the accident involves a rented vehicle, in addition to following the guidelines above, comply with any instructions provided by the rental company.

### **2.9.1.4 EMERGENCY REPAIRS & TOWING**

If a University-rented vehicle is inoperable, the Authorized Driver is responsible for complying with procedures as defined in the rental agreement.

1. Use a Fontbonne University credit card if available to pay for repair expenses. If a Fontbonne credit card is not available, a personal credit card may be used and reimbursement obtained from the University. Keep copies of invoices and any parts that are replaced.
2. Complete an Emergency Repair and Towing Report Form and submit it, with invoices and any replaced parts, to Fontbonne's Physical Plant upon return to Fontbonne. Electronic Form available: <https://forms.office.com/r/FbHT5xY8bT>.

### **2.9.1.5 ADMINISTRATIVE OVERSIGHT**

#### **2.9.1.5.1 Trip Sponsors**

Trip Sponsors are responsible for ensuring that individuals participating in the University-sponsored activity understand and agree to adhere to the regulations in this document.

#### **2.9.1.5.2 Divisional Vice Presidents**

Each Vice President is responsible for determining that the steps necessary for trip approval have been completed by groups in their area of oversight and then making the decision to approve or deny the request.

#### **2.9.1.5.3 Vice President for Operations**

The Vice President for Operations is the coordinating office for the driver authorization process. In this role, the Vice President for Operations or their designee will:

1. Process each Driving Record Release form to obtain driving record reports.
2. Evaluate each driver's record in accordance with established criteria to determine driver eligibility.
3. Notify the supervisor or sponsor listed on the Driving Record Release form if approval is denied.
4. Maintain a Driving Record Information File of Authorized Drivers.

#### **2.9.1.5.4 Vice President for Finance and Administration**

The Vice President for Finance and Administration will provide proof of insurance forms to individuals renting vehicles to be used for school-sponsored functions.

## **2.9.2 Parking Policies**

### **2.9.2.1 GENERAL PARKING INFORMATION**

The Fontbonne University parking areas are for use by students, faculty, staff, registered visitors and other individuals conducting business for or authorized by the University. Fontbonne University assumes no liability for loss or damage to any vehicle or its contents while parked or operated on University property.

All parking regulations are strictly enforced 24 hours a day. It is assumed that individuals parking on campus are familiar with and agree to adhere to all parking regulations. The Fontbonne University Public Safety Department has been charged with the duty of enforcing parking regulations. Parking citations will be issued for all observed violations.

The campus speed limit is 15 m.p.h.

### **2.9.2.2 PARKING REGISTRATION**

All vehicles operated and parked on Fontbonne University property are required to be registered and display either a current parking tag or a valid visitor's pass. A parking tag is not required for vehicles parked off campus.

Visitors conducting business with Fontbonne University from 8 a.m. to 4:30 p.m., Monday through Friday are required to register in the Business Office in Ryan Hall. After normal working hours, visitors should register in the Public Safety Building across from St. Joseph's Hall. Visitors seeing students are required to register in the Public Safety Building. A parking "GUEST" pass will be issued to each visitor during the registration process. It is your responsibility to ensure that your visitors are properly registered and aware of our parking regulations. Your guest may not use your hang tag.

Parking hang tags are required to be displayed on all vehicles operated and parked on campus by members of the Fontbonne community. This includes all faculty, staff, and students working, attending class, or using the facilities on campus. Food Service and other contract employees assigned to the Fontbonne campus are also required to obtain a parking hang tag for their vehicle. Parking hang tags are sold in the Business Office, Room 215 in Ryan Hall.

Hang tags are for your personal use. Your tags may not be given away, resold, or used by other people. Misused tags will be forfeited. Citations will also be issued for the misuse of tags and violators will lose their campus parking privileges for 12 months.

Your parking tag is designed to hang on the rear-view mirror of your vehicle. The tag number must be facing towards the front of the vehicle. It is your responsibility to ensure the complete tag is visible. If your tag is blocked by tinting or otherwise not clearly visible, your vehicle is subject to ticketing. A parking hang tag is to identify vehicles that have been authorized to park on University property. The tag is used to help identify unauthorized parkers and does not guarantee the availability of a parking space.

### **2.9.2.3 PARKING AREAS**

Parking lots on campus are open to all Fontbonne parkers unless restricted by signage. The parking of a vehicle is prohibited in any portion of a parking area that does not have a "lined" parking space. Improperly parked vehicles are subject to ticketing, booting, and towing.

The Horseshoe is reserved for employee parking Monday through Friday from 8 a.m. to 5 p.m. Students may park in the Horseshoe after 5 p.m. Reserved spaces are marked by signs. The visitor spaces in the Horseshoe are reserved strictly for visitors from 8 a.m. to 10 p.m., Monday through Friday.

### **2.9.2.4 VIOLATIONS**

Fines will be assessed for violating provisions of these regulations. Current fines can be found on the university website.

Parking fines will be reduced by \$10 if paid within 2 working days from the date of the ticket. The wheel lock fee may not be reduced. Tickets paid at the reduced rate may not be appealed.

Using an altered or forged hang tag is a crime. Violators will be ticketed, lose their campus parking privileges for 12 months, and are subject to criminal prosecution.

If you are a student, all assessed fines will be applied to your account. No grades or transcripts will be issued until outstanding fines are paid. Registration for the next term cannot be completed until fines are paid.

Individuals not having a student account with Fontbonne must pay outstanding fines within 7 days from the date the ticket is issued. Individuals not paying assessed fines within this grace period will lose their privilege to park on campus. Vehicles owned or operated by these individuals will be placed on the wheel lock list. A charge of \$50 plus the amount of the outstanding fines must be paid before a locked vehicle is released. Employees are encouraged to apply for payroll deduction in the Business Office to pay for outstanding parking fines before being placed on the wheel lock list.

An individual receiving 4 or more tickets in a 30-day period or 8 tickets within one academic term will be classified as a habitual violator. With each subsequent parking violation, vehicles owned or operated by habitual violators will be wheel locked until the assessed fine is paid.

All fines should be paid at the Business Office, Room 215 Ryan Hall, between 8:30 a.m. and 4:30 p.m., Monday through Friday. If you wish to pay by mail, please include your name, telephone number, and the parking ticket number with your payment. Your payment should be mailed to: *Fontbonne University, Business Office, 6800 Wydown Blvd., St. Louis, Missouri 63105.*

### **2.9.2.5 PARKING APPEALS**

Parking tickets may be appealed. Appeal forms are available from the Vice President for Operations. Appeals must be filed within 7 working days from the date of the ticket you are appealing. Appeals not received within this time period will not be considered. Fines will not be payroll deducted or applied to an account until the initial appeal process has been completed. Forgetting to hang your tag, not knowing the parking regulations, running late, and the lack of a parking space are not considered acceptable reasons to appeal a parking ticket.

A second appeal may be made to the Parking Appeal Board if you feel your first appeal was not fairly considered. Appeals to the Board must be submitted in writing only on the Board appeal form. Second appeals must be received within 21 days from the date of the ticket that you are appealing. Forms for this appeal may be obtained from the Vice President for Operations office, second floor Ryan Hall.

### **2.9.2.6 VEHICLE TOWING**

Individuals violating our parking regulations are subject to having their vehicles immobilized by the use of a wheel lock. This is done in lieu of towing vehicles from our property. However, vehicles are subject to immediate towing if they are parked or left unattended in a location that impedes traffic, blocks an unloading zone, fire lane, or otherwise creates a safety hazard.

Vehicles not properly licensed, not in operating condition or that have been or appear to have been abandoned are subject to towing. If your vehicle becomes disabled, please notify the Department of Public Safety.

An immobilized vehicle is subject to towing after 48 hours if it remains unclaimed or if outstanding fines remain unpaid.

Vehicles are towed at the expense of the owner. Fontbonne is not responsible for damage to towed vehicles or to vehicles that have been immobilized using a wheel lock. Contact the Department of Public Safety at 314-599-2947 for information regarding towed vehicles.

### **2.9.3 Library**

The library supports the mission, curriculum, and values of Fontbonne University:

1. By providing a gateway to information resources for learning, teaching, and research;
2. By teaching information literacy skills for life-long learning; and
3. By offering quality user-centered information services to all members of the Fontbonne community.

Additional policies of the University library are available in the library and online: <https://library.fontbonne.edu>.

### **2.9.4 Bulletin Boards**

Bulletin boards are located in some campus buildings. Some boards are identified for use and are used by specific departments or campus organizations. Others are open for posting of notices.

Below are guidelines for posting notices:

1. All signs must have the stamp of approval from the Student Affairs office. Signs without this stamp will be removed. The Executive Director for Student Affairs or designated representatives within the Student Affairs office are the only people who can approve signs to be posted. Departments and student organizations that have their own bulletin board do not need approval to hang signs on their own board.
2. Only registered student organizations, departments, and offices may post signs on public campus bulletin boards.
3. Job listings outside of the Fontbonne community are to be posted only on the Fontbonne Career Services website.
4. Any signs selling materials, goods, or services can be posted only on the Community Boards, which are located in Medaille Hall and in the DSAC Caf<sup>e</sup>. Only one copy may be posted at each location.
5. Any individual member of the Fontbonne community who wishes to post a sign (other than on the Community Board) must have the sponsorship of a department, office, or registered student organization. For example: If a student wants to post a sign about cutting down all trees in the world, they would need to get sponsorship from a student organization or a department (e.g., Student Activities). The sponsoring body must have its name on the sign.
6. Any non-Fontbonne organization wishing to advertise events on campus must be sponsored by a Fontbonne student organization, office, or department. The sponsoring Fontbonne body must have its name on the sign.
7. All signs will be dated when approved and must be taken down by the sponsor two weeks after the date on the sign. The Executive Director for Student Affairs may consider longer postings on a case-by-case basis.
8. Signs may not be hung on any type of glass (i.e., doors or windows). The Department of Residence Life reserves the right to hang signs on the doors and windows of the residence halls in order to get necessary information to the students on campus. It is up to individual departments or offices to decide to post signs on their own glass doors or windows.
9. Lawn signs are permissible but must be approved by the Executive Director for Student Affairs
10. If a student organization fails to follow this posting policy, it will lose its right to hang signs.
11. No sign will be approved that advertises anything that violates any University policy.

12. The fact that a flyer or notice is posted on a campus bulletin board does not mean that the University endorses the message.
13. Internal postings may be hung in the following locations:
  - a. Ryan Hall: front main doors entering or exiting the dining hall; stairwells, first floor stairwells next to door; arcade entrance to building right wall.
  - b. East Building and Anheuser-Busch Hall: arcade entrance to the right on wall; horseshoe entrance to the right on wall; bulletin boards by stairwells.
  - c. Library: ask someone at desk to post.
  - d. Medaille Hall: second floor doors; bulletin boards, walls to right of main entrance.
14. Any signs displayed in unapproved areas will be removed.

### **2.9.5 Solicitation and Distribution of Materials**

Employees, students, or other persons affiliated with the University may not engage in any form of solicitation or canvassing to the University community or to the general public for the purpose of raising funds or support for any University organization or activity without such written approval. Persons who are neither an employee, student or otherwise affiliated with Fontbonne University may not engage in any form of solicitation or in the distribution of any literature or any other materials at any time on any of the University's premises without prior written authorization of the University President or a designee. An employee may not solicit for any purpose or distribute any materials or literature of any kind to other employees when either employee is on working time.

### **2.9.6 Reservation of Facilities**

Campus facility rental requests are coordinated by the General Services Office. For information on facility rental policies, availability, and rental rates, please contact the General Services Manager at (314) 719-8037, The University reserves the right to rent to individuals and organizations that are in support of its missions and values, as determined by the University in its sole discretion.

### **2.9.7 Lost and Found**

All lost articles, found anywhere on campus, should be given to the Public Safety officer on duty. Individuals are encouraged to put their names on all personal articles. Call 314-599-2947 for assistance.

### **2.9.8 Non-liability of the University**

Fontbonne accepts no liability for the debts of its students, nor will the University act as an agent for outside organizations in collecting student debts. The University is not responsible for injuries or losses of property.

### **2.9.9 Theft**

Fontbonne is not responsible for replacement, reimbursement, or investigation of lost or stolen personal property. Missing items should be reported to the Student Affairs office and the Public Safety Office.

### **2.9.10 Mail Service**

Resident students' mailboxes are located near the east entrance of Medaille Hall. Messages, with the student's name and box number on the outside, can be left in the campus mailroom which is located on the first floor of Ryan Hall. Incoming mail is sorted and delivered to student mailboxes daily except for weekends and holidays. Packages or pieces of mail too big for the mailbox will be held in the mailroom for pick-up. An email notification is sent to the student if there is a package for pickup. Faculty and staff mailboxes also are located in

the mailroom in Ryan Hall. The campus mailroom can send standard letters (including foreign), postcards, certified return-receipt mail, and packages (within the U.S. only). Larger packages can be sent via UPS or Federal Express from the mailroom for an additional pick-up charge plus postage. Check with the mailroom for the current additional pick-up fee. All transactions will be processed only by local checks or cash.

The mailroom can send standard letters and post cards to addresses outside the United States but cannot send insured mail, packages, or registered mail to those addresses and must be taken to a local Post Office. There is an outside mailbox between Ryan and the East Building. Mail is scheduled to be picked up from this box between 4:00-6:00 p.m. Monday through Friday and by 12:00 noon on Saturday.

### **2.9.11 Bicycles**

Bicycles are welcomed and encouraged on campus. There are bike racks in front of Medaille Hall and East Hall and along the side of the Library. All bikes should have some form of owner identification. Unattended bikes should be locked and secured. All resident students must register their bicycles with Public Safety. All bicycles must be removed at the end of the spring semester term. Any bicycles left after the end of the spring term will be removed and disposed of.

### **2.9.12 Nursing Room**

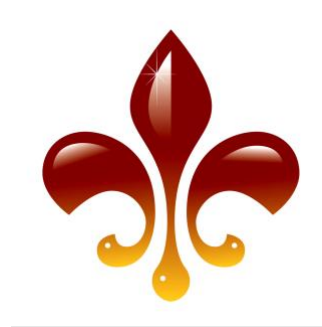
Fontbonne University is committed to complying with the Patient Protection and Affordable Care Act ("PPACA") requirements to provide reasonable breaks and private locations for employees to express breast milk for up to one year after giving birth.

Fontbonne supports staff, faculty, and students who are breastfeeding by offering a designated nursing room, located on the bottom floor of Taylor Library. This room provides a clean, private, comfortable space, an electrical outlet, a chair, and a table for the breast pump and is available during normal library operating hours. If a student expects to leave a class in order to express milk, she should notify the instructor in advance. This time will be considered an excused temporary absence from class. The student will be expected to make up any missed work during this absence.

# ACCESS TO HIGHER EDUCATION

*ACADEMIC ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES*

## FONTBONNE UNIVERSITY



The Kinkel Center for Student Success, Undergraduate Academic Advising, and Engagement  
6800 Wydown Boulevard  
St. Louis, Missouri 63105

Natasha Baebler

Email: [academicaccommodations@fontbonne.edu](mailto:academicaccommodations@fontbonne.edu)

Director of the Kinkel Center, Academic Support, and Academic Accommodations

Phone: (314) 719-3627

Fax: (314) 719-3614



Fontbonne’s Mission Statement and Notice of Non-Discrimination (2.1.2.1) are central to this document, which addresses the need for the inclusion of all students into the academic life of Fontbonne University. It is the intent of Fontbonne University to offer academic accommodations to qualified students with documented physical or mental impairments unless the University can demonstrate that the academic requirements are essential to the instruction being pursued or to any directly related licensing requirement, or that the academic accommodations would fundamentally alter the course or would result in an undue burden.

***What is the Americans with Disabilities Act (ADA)?***

The Americans with Disabilities Act of 1990 and the Americans with Disabilities Amendments Act of 2008 (ADAAA) are the civil rights guarantee for persons with disabilities in the United States. They provide protection from discrimination for individuals on the basis of disability/impairment.

The Americans with Disabilities Act of 1990 upholds and extends Section 504 of the Rehabilitation Act of 1973, which states:

*"No otherwise qualified person with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."*

***Who is a "person with a disability" as defined by the ADA and Section 504?***

The term “disability” means, with respect to an individual:

1. Having a physical or mental impairment which substantially limits one or more major life activities of the individual;
2. Having a record of such an impairment; or being regarded as having such an impairment.

A “physical or mental impairment” means (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genitor-urinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. Physical or mental impairments include, but are not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

***What is a "major life activity"?***

Major life activities include, but are not limited to, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

***Who is a qualified person with a disability under Section 504?***

A "qualified person with a disability" is one who meets the requisite academic and technical standards required for admission or participation in the post-secondary institution's programs and activities.

Section 504 protects the civil rights of individuals who are qualified to participate and who have disabilities as defined by the ADA, ADAAA and Section 504.

***Who is eligible for services?***

Any Fontbonne University student is eligible for services under the following conditions:

- The student has an obligation to self-identify their disability and need of accommodations.
- A student must submit a *Request for Academic Accommodations* form to the Academic Support and Accommodations Director of the Kinkel Center for Student Success, Undergraduate Academic Advising, and Engagement who serves as the Fontbonne University Section 504/ADA Coordinator. The Kinkel Center is located on the third floor of Ryan Hall. The student requesting an academic accommodation or support service must submit a new form each year if they are requesting an accommodation or support service related to their course work.
- The student must submit reasonable, appropriate, and verifiable documentation that complies with Section 504 of the Rehabilitation Act and Title III of the Americans with Disabilities Act. The University will request documentation for the purpose of establishing a disability in order to help the University work interactively with the student to identify appropriate accommodations or services. The focus will be whether the documentation adequately establishes the existence of a current disability and the individualized need for an academic accommodation or service. It is expected that the student will submit documentation at the time of the request, but, when necessary, a grace period of 30 days will allow students to present documentation unless extenuating circumstances exist and additional time is needed.
- The documentation required by Fontbonne University will vary according to the type of disability. For instance, an attending physician usually documents health impairments. Hearing impairments should be documented by an audiogram administered by a licensed and certified audiologist. If it is necessary for the University to confer with the health care provider(s) or other professional(s) to determine the reasonable, appropriate accommodation, a release will be requested from the student.
- To ensure that Fontbonne University is able to provide the appropriate academic accommodation or support service, the student must provide Fontbonne with reasonable notice of their need for the academic accommodation or support service. Some requests may take several weeks to process, such as books in an alternative format or specific electronic devices necessary for learning. The Academic Support and Accommodations Director of the Kinkel Center for Student Success, Undergraduate Academic Advising, and Engagement will notify instructors via email of academic accommodations at least one week prior to the scheduled first day of class for the semester. Therefore, students should submit a request for academic accommodations to the Academic Support and Accommodations Director, along with any supporting medical documentation, at least 30 days before the semester begins or as soon as reasonably possible.

***After a student has provided documentation of a disability, what happens next?***

1. After the documentation has been received and reviewed (please allow 48 hours for this process), a student may make an appointment at the Kinkel Center to request specific accommodations or fill out the *Request for Academic Accommodations* form. The specific accommodations requested must be substantiated by information that was presented in the documentation.
2. At the time of the appointment, the Director will engage in an interactive process to determine an appropriate academic accommodation based on the student's disability supporting documentation.
3. The Director may need to secure additional information or speak with the referring party. The Director will ask for a signed release before anyone is contacted.
4. Accommodations for disabilities at Fontbonne University are individualized to meet the needs of the specific student. After a determination has been made regarding reasonable and appropriate accommodations or support services, the Director will notify, via email, instructors listed on the *Request for Academic Accommodations* form of the approved academic accommodations at least one week prior to the scheduled first day of class for the semester.
5. Instructors and faculty are notified **only** about the accommodations; the nature of the student's disability is not specified. All documentation regarding a student's disability is treated as confidential and is secured in a locked file in the office of the Academic & Disabilities Resources Coordinator of the Kinkel Center for Student Success, Advising, and Engagement. Notification of accommodations occurs through campus email at least one week before the beginning of the semester (assuming the student has sought an accommodation and provided the required documentation in advance of the start of the semester), or within 48 hours of receipt of the *Request for Academic Accommodations* form.

***Testing Accommodations - Student Responsibilities:***

1. When the student wants a test with accommodations, it is the student's responsibility to:
  - Sign up for a proctor through the online scheduling program that is available on the Kinkel Center web site. Students who need to have a scribe or have their tests read aloud must request these services at least 48 hours in advance of the test to allow time for adjustment of staff schedules. It is not the instructor's or faculty member's responsibility to schedule a test for a student.
  - Remind the instructor that the student needs to have a test administered in the Kinkel Center. This notification should occur not less than 48 hours before the test so that the test can be forwarded.
  - Notify the Director immediately if accommodations are not being made or if there is any question about the implementation of academic accommodations.

***Testing Accommodations - Faculty Responsibility:***

Tests should be delivered to The Kinkel Center by the instructor or designee electronically or in a sealed envelope that provides specific directions for the administration of the test. These envelopes are

available in the mailroom, Ryan Hall, first floor, and in the Kinkel Center. If more than one test is to be given, each test should have its own envelope for security reasons.

***Family Education Rights and Privacy Act of 1974 (FERPA) Regulations:***

University students are regarded as adults by colleges and universities. Because of the regulations specified in the Family Education Rights and Privacy Act of 1974 (FERPA), Fontbonne University generally will not release information about accommodations to parents or guardians of students with disabilities without the student's written authorization.

***Fundamental Alterations to Course***

The University does not have to provide an academic accommodation if the University demonstrates that the academic accommodation fundamentally alters the course or would result in an undue burden or that the academic requirements are essential to the instruction being pursued or to any directly related licensing requirement.

***What are some of the typical accommodations or support services that may be made available to Fontbonne students with learning disabilities?***

- Extended Test Time (Double/Time and a half)
- PowerPoint slides/notes
- Note-taking assistance
- Audio recording class lectures
- Testing in a reduced-distraction environment/Individual room
- Tests that are read aloud, taped, scribed or on computer
- Instructor notification
- Preferential seating
- Flexible deadlines
- Excused Absences
- Academic coaching/consultation
- Closed-captioning videos
- Remote learning
- Calculator
- Interpreter

Accommodations are arranged on a case-by-case basis by the Director to ensure that the individual needs of students are being addressed. Accommodations are determined by an examination of documentation provided by the student and through consultation with the individual student. It is sometimes necessary to examine the nature and the cost of a specific accommodation and to determine whether or not providing the accommodation will cause an undue financial or administrative hardship for the University.

***What some of the typical academic accommodations or support services that may be made available to students with physical disabilities?***

There are a variety of orthopedic/mobility disabilities resulting from congenital conditions, accidents, or progressive diseases. Some disabilities are temporary in nature. Accommodations for these disabilities may include:

- Accessible location for class or meetings with faculty

- Extra time to get to classes, particularly in inclement weather
- Special seating in classrooms
- Note-takers, use of tape recorders
- Testing accommodations
- Accessible parking spaces
- Lockers to store materials

***Exclusions:***

Section 104.44(d)(2) of the regulations regarding the Rehabilitation Act provides that personal attendants/personal care attendants, individually prescribed devices (such as wheelchairs), readers for personal use or study, or other devices or services of a personal nature are the responsibility of the student, not the University.

***What should I do if I need books in an accessible format?***

It is the responsibility of students to acquire textbooks for courses. If a student requires a textbook in an alternative format such as on tape, CD, or electronic format, the student must order the materials in a timely fashion, usually four to six weeks before the beginning of the semester. Information on various services is available in the Kinkel Center.

***What are some of the discriminatory acts that are prohibited by the ADA and Section 504?***

Colleges and universities receiving federal financial assistance must not discriminate in the recruitment, admission, or treatment of students. Students with documented disabilities may request modification, accommodations, or auxiliary aids that will enable them to participate in and benefit from all post-secondary educational programs and activities. Post-secondary institutions must make such changes to ensure that the academic program is accessible by all students unless the University can demonstrate that the academic requirements are essential to the instruction being pursued or to any directly related licensing requirement.

Under the provisions of Section 504, universities and colleges may **not**:

- Limit the number of students with disabilities admitted;
- Except under circumstances specified in the Rehabilitation Act of 1973 regulations, make pre-admission inquiries as to whether or not a student is disabled;
- Use admission tests or criteria that inadequately measure the academic qualifications of disabled students because special provisions were not made for them;
- Exclude a qualified student with a disability from any course of study;
- Limit eligibility to a student with a disability for financial assistance or otherwise discriminate in administering scholarships, fellowships, internships, or assistantships on the basis of disability;
- Counsel a student with a disability toward a more restrictive career;
- Measure student achievement using modes that adversely discriminate against a student with a disability.

**Code of Student Conduct Violations**

**Every Fontbonne University student is subject to the rules of conduct as specified in the University Code of Student Conduct. There are no exceptions or exemptions for students with disabilities or for any other Fontbonne University students.**

***What recourse is available to a student who feels that their needs for accommodation are not being met?***

If a student is not satisfied with any decision by the University involving accommodations, modifications, or auxiliary aids or services, or otherwise believes she or he has been discriminated against on the basis of disability, the student may contact the designated coordinator and/or file a complaint of discrimination in accordance with the University's anti-discrimination grievance procedure set forth in Fontbonne University Policy Manual Volume II, Campus Community Policies, section 2.1.2. The student may contact the Provost prior to or after a complaint of discrimination is filed to attempt to resolve the complaint informally, but any informal or voluntary resolution attempts after a complaint is filed will not delay the investigation of the complaint.

***Where can a student go to request academic accommodations?***

For academic accommodations, contact:

Natasha Baebler

Director, Kinkel Center, Academic Support, and Academic Accommodations

E-mail: [academicaccommodations@fontbonne.edu](mailto:academicaccommodations@fontbonne.edu)

Jack C. Taylor Library, Second Floor

Phone: (314) 719-3627

Fax: (314) 719-3614

**APPENDIX 2.1.7: PERSONAL ASSISTANTS AND PERSONAL CARE ATTENDANTS**

**STUDENT NAME & FONTBONNE ID NUMBER:** \_\_\_\_\_

**PERSONAL ASSISTANT FULL NAME:** \_\_\_\_\_

**PERSONAL CARE ATTENDANT FULL NAME:** \_\_\_\_\_

**PERSONAL ASSISTANT / PERSONAL CARE ATTENDANT**  
**AGREEMENT AND LIABILITY WAIVER**  
**“AGREEMENT AND WAIVER”**

I, \_\_\_\_\_, wish to serve as a Personal Assistant (“PA”) or Personal Care Attendant (“PCA”) for the student identified above (“Student”) so that the Student may fully participate in academic and other programming on Fontbonne University’s campus for the 202\_ school year.

I understand that upon the successful conclusion of the Approval Process described in the Policy and Procedures for Personal Assistants/Personal Care Attendants, I will be issued a Fontbonne University identification card for the sole purpose of serving in my role as a PA or PCA for the student identified above (“Student”). I must keep the identification card on my person at all times while at Fontbonne University. In the event that my role as PA or PCA for the Student ends, I will immediately surrender my Fontbonne University identification card and any other items that Fontbonne University may have issued to me to the Accommodations Coordinator/Section 504 Coordinator (hereinafter “Coordinator”).

I understand that while I am on Fontbonne University’s campus performing my duties as a PA or PCA, I am required to conduct myself in an appropriate, courteous and professional manner and act in accordance with Fontbonne University’s policies, procedures and practices. Without limiting the generality of the foregoing sentence, I understand and agree that as a PA or PCA for the Student:

- I am responsible for complying with Fontbonne University’s Policy and Procedures for Personal Assistants/Personal Care Attendants, Fontbonne University’s Campus Community Policies, as well as all other applicable policies of Fontbonne University.
- If I drive a vehicle to Fontbonne University’s campus, I must register the vehicle with Fontbonne University’s Office of Public Safety and park in designated parking areas. I am responsible for the payment of all parking fees or fines incurred (unless otherwise agreed by me and the Student/Student’s family).
- I may participate in a Fontbonne University meal plan if I choose to do so. I understand that I am responsible for the payment for the meal plan (unless otherwise agreed by me and the Student/Student’s family).
- I understand that I am prohibited from having guests on Fontbonne University’s campus while I am performing my duties as a PCA or at any other time (with the exception of events or activities that are open to the public).
- I am permitted to be on campus with the Student, and only when the Student is on campus.
- I understand that Fontbonne University will not reimburse for any costs associated with living, dining, or any other expense related to my role as a PA or PCA.

I represent and warrant that I have read and understand this Agreement and Waiver, am of sound mind, and have legal authority to sign this document. I freely accept and assume all risks that may arise from serving as a PA or PCA as described in this Agreement and Waiver, including but not limited to the risk that I may suffer property damage, illness, serious injury, or even death.

In consideration of Fontbonne University permitting me to serve as a PA or PCA for the Student on Fontbonne University’s campus, and to the fullest extent permitted by law, I, on behalf of myself and my executors, heirs, successors and assigns, hereby release and discharge forever Fontbonne University and its trustees, directors, officers, employees, agents and representatives (collectively, the “Releasees”) and their respective successors and assigns from any and all liabilities, claims, actions, rights, demands, causes of action, damages and expenses of any kind or nature, including but not limited to claims for property damage, personal injury and death, due to the negligence of Fontbonne University, whether known or unknown, past, present or future, directly or indirectly arising out of or in any way connected with my role as a PA or PCA for the Student, as described in this Agreement and Waiver and in Fontbonne University’s Policy and Procedures for Personal Assistants/Personal Care Attendants.

I understand that if I fail to comply with the terms of this Agreement and Waiver or act in a manner that Fontbonne University determines is inappropriate, I may be subject to removal from the residence halls, (if applicable), banned from Fontbonne University’s campus, or subject to any other action that Fontbonne University deems appropriate in its sole discretion.

I understand that my PA or PCA relationship, including any employment or services agreement, is between myself and the Student/Student’s family and/or any agency or organization by which I am employed in my role as PA or PCA for the Student. I understand that I have no employment, independent contractor, joint venture, or any other working relationship with Fontbonne University.

I have read, I understand, and I voluntarily agree to the terms of this Agreement and Waiver. I understand that this Agreement and Waiver applies only to Fontbonne University’s 202\_ school year. If the Student/Student’s family and I wish to continue my role as a PA or PCA for the Student beyond this term, I understand that a new Agreement and Waiver will be required.

I understand that my failure to comply with the Policy and Procedures for Personal Assistants/Personal Care Attendants, other applicable policies, procedures, rules and regulations of Fontbonne University, or this Agreement and Waiver, may result in the termination of this Agreement and my role as a PA or PCA for the Student.

PA or PCA Signature \_\_\_\_\_  
Date \_\_\_\_\_

Address \_\_\_\_\_  
Birth Date \_\_\_\_\_

Phone  
Number(s) \_\_\_\_\_

Email Address(es)  
\_\_\_\_\_

Student Signature \_\_\_\_\_  
Date \_\_\_\_\_

APPROVED by Fontbonne University:  
\_\_\_\_\_

Date \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_