

2.7 COMMUNITY STANDARDS VIOLATIONS

2.7.1 Abusive Behavior

Any act, including verbal or written communications that intimidates, coerces, threatens, or significantly disrupts the health, safety or well-being of any person.

2.7.2 Aiding or Facilitating

The act by an individual or group to aid, facilitate, promote, collude, or encourage another to commit a violation under this policy. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so. Aiding or facilitating includes gaining academic or personal advantage or privilege with negative impact on others or the community through violation of the policy or any other community standards. Aiding or facilitating may also include bringing any guest onto campus or to a University sponsored/related activity who the Student should reasonably know to be restricted from campus access.

2.7.3 Alcohol - Underage Drinking/Possession

Any unlawful use or possession of alcoholic beverages by any Student under the age of 21.

2.7.4 Alcohol - Public Intoxication

Under the influence of alcohol in public to the degree that they are a danger to themselves and/or others, or causing a significant disruption in the community.

2.7.5 Alcohol - Open Containers

Open containers of alcohol are not allowed in any area of campus unless otherwise designated. Alcohol is not permitted to be removed from areas designated for alcohol consumption in public areas. Specific to residential living, no person is allowed to have open or unopened containers of alcohol in a common area (including, but not limited to, hallways, lounges, kitchens, bathrooms, elevators, or game rooms) or in outdoor public areas. No alcohol is permitted on a balcony/patio at any time.

2.7.6 Alcohol - Purchasing or Providing Alcohol to Minors

Buying alcohol for or providing alcohol to anyone under the age of 21. This includes, but is not limited to, providing alcohol at a party where underage Students are drinking.

2.7.7 Assault

Intentionally committing physical harm against any person.

2.7.8 Complicity

a. Complicity with or failure of any Student to take action to prevent or appropriately address known or obvious violations of any University Policy or the University Community Standards. An example of this could be a Student at the university who sees the destruction of property being

committed by another individual, and then also joins in to destroy the property.

b. Complicity with or failure of any organized group or Student Organization to take action to prevent or appropriately address known or obvious violations of any University Policy or the University Community Standards.

2.7.9 Damage/Defacement of Property

Attempted or actual damage or defacement of University property or property belonging to a member of the University community. Students are prohibited from damaging or defacing University property in any manner including but not limited to graffiti, spray paint, paint, chalk, marker, etc. The only exceptions are approved messages in designated areas that bear approval from the Student Involvement Center in a manner consistent with University policy and procedures.

2.7.10 Dishonesty

Acts of dishonesty, including the following:

1. Providing false and/or misleading information to a University official, faculty, an authorized University agent, or other member of the University community;
2. Inappropriately manufacturing, altering, possessing in violation of University Policy, or otherwise misusing any University or legal document(s), record, or instrument of identification, and,
3. Academic Dishonesty which includes but is not limited to:
 - a. Falsification;
 - b. Plagiarism or intentional representation of someone else's thoughts or words as if they were one's own or plagiarism;
 - c. Academic Cheating or the use of unauthorized assistance to gain an academic advantage over other Students through unauthorized assistance of technical aids, resources not approved by the instructor;
 - d. Sabotage; and
 - e. Collusion and Concealment.
4. Providing misinformation during an investigation or hearing process to a Hearing Officer, Appeal Board and/or Investigating Officer.

2.7.11 Disorderly Conduct

Breach of peace; leading or inciting others to disrupt scheduled or normal activities. This may also include drunken and rowdy behavior.

2.7.12 Disruptive Behavior

Behaviors and expressive activities that disrupt, interfere with, obstruct, sabotage, or prevents classroom activities, studying and learning spaces across campus, including but not limited residential housing, teaching, research, and academic advising, or other University learning or scholarly activities, as well as normal University functions, or that undermines the academic success of others.

2.7.13 Drugs

Use, possession, manufacturing, sale, purchase with the intent to distribute, or distribution of illicit drugs, controlled substances, or drug paraphernalia except as expressly permitted by law. This also includes legal substances that are used in a way not intended by the manufacturer (e.g., huffing nitrous oxide, whippits). Factors such as odor, Student's physical appearance, and conditions within the room will be taken into consideration when determining whether a drug violation has occurred.

(see University Policies 1.8 and Residence Life Community Living Policies 5.7). Possession of marijuana under a valid medical marijuana card is **not** permitted on campus. (See University Drug Policy, 1.8).

2.7.14 Failure to Comply

Failure to comply with a University agreement, written or verbal instructions, a reasonable request of a University staff member while acting within the appropriate performance of their duties, authorized University agent, or law enforcement official and/or failure to properly identify oneself to these persons when requested to do so. An example of this would be a university giving instruction for Students to not be in common areas after a certain time, but a Student does not comply with the order.

2.7.15 Failure to Evacuate

Failure to evacuate a University-owned or controlled building during an emergency or when advised to do so by a University official.

2.7.16 Fake ID

Manufacturing, using, or possessing false identification, including another person's identification.

2.7.17 Fraud

Wrongfully deceiving a University official, authorized agent, or member of the University Community for the purpose of academic, financial, or personal gain.

2.7.18 Harm to Community

Any actions, or inactions to comply with established expectations, that may endanger the health, safety, and/or welfare of the campus community.

2.7.19 Harassment

Any unwelcome, unsolicited, and offensive conduct that is severe or pervasive, intends to injure, degrade, disgrace, or show hostility toward a person because of sex, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, gender expression/identity, genetic information, pregnancy, or any other characteristic protected by law.

2.7.20 Hazing

Any deliberate, knowing, or reckless action taken by one or more Students against another person or group of people, regardless of whether those being targeted agree to participate. Hazing occurs:

1. as part of joining, affiliating with, or maintaining membership in any group or student organization, and
2. causes or creates a risk of physical or psychological harm that exceeds the normal risks associated with University and organizational participation (i.e. standard physical training for participation in an athletic team).

Non-exclusive examples of hazing include, but is not limited to, physical violence such as whipping, striking, electronic shocking, applying harmful substances to the body, or similar actions; forcing or pressuring someone to endure sleep deprivation, exposure to the elements, confinement in a small space, excessive physical exercise, or comparable activities; pressuring someone to consume food, beverages, alcohol, drugs or other substances; causing, coercing, or otherwise inducing another person to

perform sexual acts; creating reasonable fear of physical harm through threatening language or behaviors; any conduct that violates local, state, or federal criminal law; and requiring someone to perform tasks or duties that involve institutional policy violations and/or duties that involve criminal violations of local, state, or federal law.

Hazing also includes any act which has the ability to endanger the mental or physical health or safety of a Student, or fosters an environment for such acts, or which has the potential to humiliate a Student, for the purpose of or perceived purpose of initiation, admission, affiliation, or as a condition for continued membership in a group or organization. Participation by the Student being initiated is not a defense for the Accused. Apathy or acquiescence in the presence of hazing may be considered violations under these Community Standards. (see Missouri Revised Statute 578.360).

Failure by a group or organization's leadership structure to intervene, prevent, discourage, or report hazing activities of which they are aware, or should reasonable be aware, will also be considered a violation of this policy.

2.7.21 Inappropriate Conduct

Behavior that fails to uphold the University's mission, values, objectives and responsibilities; behavior that fails to model good citizenship.

2.7.22 Indecent Conduct

Sexually explicit, graphic, abusive, degrading, intimidating, or offensive jokes, comments, remarks, gestures, and acts. Engaging in sexual acts in a residence hall/apartment and/or University-owned/managed housing, while others are present will be a violation under this community standard.

2.7.23 Dating Violence

Includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

2.7.24 Domestic Violence

Includes a crime of violence, whether a felony or misdemeanor under the Missouri Revised Statutes, that is committed by:

1. a current or former spouse or intimate partner of the victim;
2. a person with whom the Complainant shares a child in common;
3. a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner;
4. a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
5. any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2.7.25 Retaliation

Any harassment, threats, intimidation, or coercion, or attempts thereof that would discourage any person from reporting a violation of University Policy, the Community Standards, or from participating in an investigation or hearing process. This may include any conduct that includes harassment, threats, intimidation, or coercion, for the purpose of interfering with any right or privilege, or because the individual has made a report or complaint, testified, assisted, or participated, or refused to participate in any manner in a University process.

2.7.26 Safety Violation

1. Intentionally or recklessly starting a fire.
2. Misusing fire safety equipment or elevators.
3. Intentionally or recklessly endangering the welfare of any individual.
4. Intentionally or recklessly obstructing fire, police, or emergency services.
5. Using, possessing, or storing dangerous chemicals, fireworks, or explosives on University property, or illegally possessing dangerous chemicals, fireworks, or explosives on an off campus property.
6. Utilizing any instrument in a manner that endangers or tends to endanger any person.
7. Obstructing the free flow of pedestrian or vehicular traffic on or adjacent to University premises or at University events.
8. Failing to comply with the reasonable and lawful directions of University officials and University police.
9. Failure to evacuate a building in an emergency or when directed to do so by a University Official.

2.7.27 Sexual Harassment

Sexual Harassment occurs when conduct satisfies one or more of the following:

1. **Quid Pro Quo:** Sexual Harassment occurs when an employee of Saint Louis University provides an educational benefit or service in exchange for unwelcome sexual conduct;
2. **Hostile Environment:** Sexual Harassment occurs when there is conduct on the basis of sex that is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to the school's education program or activity;
3. **Clery Act:** Sexual Harassment occurs when there is an instance of sexual assault, dating violence, domestic violence, or gender-based stalking as defined by the Clery Act (see below for further definitions).

Sexual Harassment also includes harassment based on gender, gender identity, gender expression or sexual orientation, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

Conduct reported as sexual or gender-based harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the conduct at issue.

Sexual Harassment:

- May be committed by or against anyone, regardless of sex, gender, sexual orientation, gender expression/gender identity;

- May occur between people of the same sex or different sexes;
- Does not have to be "directed at" a specific person or persons to constitute harassment;
- May include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended;
- Often includes a power differential between the parties based on differences in age or educational, employment, or social status;
- May be committed by a stranger, an acquaintance, or someone with whom the Reporting Party has a current or previous relationship, including a romantic or sexual relationship;
- May occur in the classroom, in the workplace, in on campus residential settings, or in any other setting related to an education program or activity; and
- May be committed in the presence of others, when the parties are alone together, or through remote communications, including email, text messages, or social media.

2.7.28 Sexual Assault

(1) The following applies to cases under the University's Title IX Sexual Harassment Policy. Engaging in rape, fondling, incest, or statutory rape. These offenses include instances where the Complainant or Reporting Party is incapable of giving effective consent.

1. **"Rape"** refers to penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
2. **"Fondling"** refers to the touching of the genitals, including vagina, penis or anus, of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the Complainant is incapable of giving consent because of their youth or because of their temporary or permanent mental incapacity.
3. **"Incest"** refers to non-forcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.
4. **"Statutory Rape"** refers to non-forcible sexual intercourse with a person who is under the statutory age of consent

(2)The following may apply to cases which do not fall under the University's Title IX Sexual Harassment Policy.

Engaging or attempting to engage in any form of sexual contact or sexual intercourse with another without Effective Consent and/or by force.

Sexual Contact is:

- Any intentional contact with the breasts, buttocks, groin, genitals, or mouth with any object or body part, whether it is over or under clothing;
- Making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Sexual Intercourse is:

- Vaginal penetration, however slight, by a penis, object, tongue or finger;

- Anal penetration, however slight, by a penis, object, tongue, or finger; or
- Oral copulation (mouth to genital or anal contact or genital or anal to mouth contact).

2.7.29 Sexual Exploitation

Non-consensual or abusive sexual advantage taken by an individual of another for their own advantage or benefit, or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute any other form of Prohibited Conduct. Examples of Sexual Exploitation include, but are not limited to:

- Invasion of sexual privacy, including observing or allowing another individual to observe another's nudity or sexual activity without the Effective Consent of all individuals involved;
- Prostituting another person;
- Non-consensual video or audio-taping of sexual activity;
- Engaging in voyeurism;
- Knowingly exposing other individuals to a sexually transmitted infection or virus without that individuals' knowledge of the exposure;
- Exposing or inducing another to expose their genitals without consent; or
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

2.7.30 Stalking

1. Gender-Based Stalking: Stalking occurs when a person engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, or indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A reasonable person means a person under similar circumstances and with similar identities to the Complainant.
2. Non Gender-Based Stalking: Engaging in a course of conduct or repeatedly committing acts toward another individual, based on characteristics other than sex or gender, under circumstances that would cause a reasonable person to fear for their or others' safety, or to suffer substantial emotional distress. A course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, or indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A reasonable person means a person under similar circumstances and with similar identities to the person reporting such allegations.

Stalking includes, but is not limited to, the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, online dating sites, cell phones, texts, or other similar devices or forms of contact are used.

Examples of gender-based stalking may include, but are not limited to:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- Unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
- Sending/posting unwelcome and/or unsolicited messages with another's username; or
- Implicitly threatening physical conduct or any combination of these behaviors directed toward an individual person.

2.7.31 Smoking

Tobacco use is prohibited on campus. "Tobacco" is defined to include, but not be limited to,

- any lit cigarette, cigar, pipe, bidis, clove cigarette, e-cigarettes, any other smoking product;
- smokeless or spit tobacco, also known as dip, chew, snuff, or snus in any form; and
- any other tobacco product or device not approved by the FDA for the strict purpose of tobacco cessation (see University Tobacco-Free Policy).

2.7.32 Theft

Removal, attempted removal, or possession of University property (including residence hall property and apartment property, and/or University-owned/managed housing), another's personal property, or public property, on or off campus.

2.7.33 Threatening Behaviors

An expression of intention to cause physical or mental harm to any person.

2.7.34 Trespassing

Unauthorized entry into any room, building, structure, facility, or area on or off campus.

2.7.35 Unauthorized Access or Use

1. Unauthorized possession, duplication or use of keys.
2. Unauthorized access to any University building or area on Campus.
3. Providing one's Student Identification to another person for their use of University facilities, services, or programs.

2.7.36 Unauthorized Use of Electronic Devices

1. Unauthorized use of electronic or other devices to make an audio or video record of any person without their prior knowledge, or without their Effective Consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another and includes the reproduction of pictures. (The University reserves the right to use video recording on campus to maintain safety and security.)

2. Possession and/or use of an electronic device with capabilities to read, copy, and/or emulate RFID and NFC tags, digital keys, and identification cards.

2.7.37 Unauthorized Use of Computers

Theft, unlawful use of or other abuse of computer facilities, files, software and resources, including but not limited to:

1. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose;
2. Unauthorized transfer of a file;
3. Use of another individual's identification and/or password;
4. Use of computing facilities and resources to interfere with the work of another Student, faculty member or University Official;
5. Use of computing facilities and resources to send obscene or abusive messages;
6. Use of computing facilities and resources to interfere with normal operation of the University computing system;
7. Use of computing facilities and resources in violation of copyright laws;
8. Any violation of the University's Appropriate Use Policy, Student Handbook, Section 1.3.

2.7.38 Violation of University Policy

Violation of any University Policy, rule, or regulation published in hard copy or available electronically on the University website. This includes, but is not limited to, the violation of University and Housing and Residence Life Policies.

2.7.39 Weapons

Possessing, use or keeping of a firearm, weapon, explosive or incendiary device, dangerous chemicals, and toy gun on campus (including residence halls/university owned apartment buildings, and/or University-owned/managed housing, or at a University Activity or using any such item in a manner that harms, threatens, or causes fear to others.

Weapons, under this Community Standards charge, refers to any instrument outlined in the University Weapons Policy. All Students residing within University Housing are prohibited from keeping these items in university housing (see University Weapons Policy).