

## **UNDERC CONDUCT**

As an official extension of the University of Notre Dame, the Environmental Research Center (UNDERC) has adopted Expectations for Conduct (i.e. “Expectations”) for participants visiting and participating in programs at University properties, including but not limited to: Land O’Lakes region of Wisconsin, National Bison Range, Ottawa National Forest, Nature Conservancy, and Flathead Reservation.

These Expectations articulate and supplement University of Notre Dame policies (Standards of Conduct found in *du Lac: A Guide to Student Life* for students, Policies Regarding Conduct outlined in the *Faculty Handbook* for faculty, and policies stated in the *Human Resources Policy Manual* for staff). In addition, all participants are accountable to law enforcement authorities and to the University for acts that violate local, state or federal laws.

Expectations apply to all undergraduate and graduate students, staff and faculty participating in a program at UNDERC whether or not they are affiliated with the University of Notre Dame outside of their experience with UNDERC.

- Student is defined as any undergraduate or graduate student participating in an academic program affiliated with the UNDERC, LOL or NEON.
- Staff is defined as UNDERC, LOL and NEON employees, mentors of undergraduates, teaching assistants and post-doctoral researchers.
- Faculty is defined as class instructors and senior researchers.

Expectations are intended to address unique UNDERC conditions. In addition to these expectations, Community Rules for LOL and UNDERC, as well as UNDERC’s associated locations (e.g., National Bison Range, Ottawa National Forest, Nature Conservancy, Flathead Reservation, etc.), have also been established. Please see the numbered attachments for Community Rules for each UNDERC location.

## **University Standards of Conduct**

Consistent with Notre Dame’s mission as a Catholic University, UNDERC seeks to create a community that honors the human dignity of each member and that is characterized by a love of truth, active care and concern for the common good, and service toward others. Each of us shares responsibility for the creation of such a community. The University’s standards of conduct reflect our commitment to this ideal. Calling one another to accountability in the context of these standards is a necessary part of our common life.

Because we are committed to a Christian ideal of community and to the growth and formation of each individual, the ties that bind members of this community are not always the same as those within society at large. The University’s expectations for conduct go beyond what is minimally required for maintaining public order, as we actively seek what is good and life-giving both for the individual and for the University community.

The Standards of Conduct apply to all individuals participating at UNDERC sites. Participants are expected to be knowledgeable of all standards, and in particular, the following:

- Alcohol possession and use (see Appendix A)
- Driving Under the Influence of Alcohol and/or Drugs (see Appendix B)
- Drugs and Controlled Substances (see Appendix C)
- Sexual or Discriminatory Harassment (see Appendix D)
- Sexual Misconduct and Sexual Assault (see Appendix E)
- Sexual Activity (see Appendix F)
- Consensual Relationships (see Appendix G)

- Abusive or harassing behavior, including unwelcome communication
- Actions which seemingly affect only the individual(s) involved but which may have a negative or disruptive impact on the University community and/or concern a student's personal and academic growth
- Behavior which causes a serious disturbance of the University community or infringes upon the rights and well-being of others
- Willful damage to the reputation or psychological well-being of another
- Dishonesty, forgery or taking advantage of another
- Theft, damage or vandalism to property
- Unauthorized possession of explosives, incendiary devices, firearms or other weapons
- Violence or the threat of violence against another person, or any action which causes injury to another

For a complete listing of all University Standards of Conduct and applicable policies, please refer to:

- For students: *du Lac: A Guide to Student Life* ([dulac.nd.edu/standards](http://dulac.nd.edu/standards))
- For faculty: *Faculty Handbook* (<http://facultyhandbook.nd.edu/university-policies/>)
- For staff: *Human Resources Policy Manual* (<http://hr.nd.edu/nd-faculty-staff/forms-policies/>)

All students, staff and faculty are expected to take responsibility for their guests' behavior at all times. Visitors are expected to be knowledgeable about and abide by UNDERC Expectations. Guests must be approved and registered by UNDERC or the respective site of the program. At the discretion of UNDERC and site administrators, a guest may be denied admission or removed from UNDERC facilities any time.

### **Conduct Process for Incidents Occurring at UNDERC**

Depending on the nature of the violation, an informal or formal resolution process will be followed.

#### **INFORMAL PROCESS**

Alleged violations of the *UNDERC Community Rules* by students, faculty or staff may be referred to an informal "Meeting" process as described below.

Meetings are intended to allow for the discussion of alleged violations of UNDERC Community Rules. Meetings will be administered by the Assistant Director of the UNDERC or designee.

Outcomes from Meetings are formative by design and tailored to balance the needs of the individual and respect for the community. The results of meetings are documented, and this record may be used to establish a conduct history at the University.

If the designee conducting a Meeting receives information that suggests a formal process would be a more appropriate setting, the designee will stop the Meeting and the matter would be referred to the formal process as described below.

Outcomes from Meetings may include, but are not limited to:

- Verbal or Written Warnings
- Written Assignments
- Loss of Driving Privileges for a specified period
- Loss of Recreational Privileges for a specified period
- Loss of Opportunity to Live at UNDERC for a specified period

Repeat violations of Community Rules will be referred to the Office of Community Standards (for students), Office of the Provost (for faculty) or Office of Human Resources (for staff).

All other alleged violations of the UNDERC Conduct Expectations, University policies, or repeat violations of Community Rules will be addressed through a formal process administered by the appropriate administrative unit on Main Campus:

- Alleged violations by students (undergraduate or graduate) will be resolved through the University Conduct Process managed by the Office of Community Standards as outlined in *du Lac: A Guide to Student Life*.
- Alleged violations by faculty will be referred to the Office of the Provost for review.
- Alleged violations by staff will be referred to the Office of Human Resources for review.

Outcomes from this process could include, but are not limited to:

- Permanent Loss of Driving or Recreational Privileges
- Permanent Loss of Opportunity to Live at UNDERC
- No Contact Order with an individual(s) at UNDERC
- Ban from UNDERC (and partner) Property for a specified period or permanently
- Disciplinary Probation
- Temporary Dismissal
- Permanent Dismissal
- Termination of Employment

## **ATTACHMENT 1: UNDERC LAND O' LAKES POLICIES & RULES**

### **UNDERC LAND O'LAKES HOUSING FACILITY POLICIES**

Visitation hours have been established to foster personal and social development and to respond to the safety, security and privacy needs of those sharing common living space. Visiting hours for guests of the opposite sex begin at 9:00 a.m. and end at midnight on Sunday through Thursday night and 2:00 a.m. Friday and Saturday nights.

Quiet hours are from midnight to 7am, seven days per week.

### **UNDERC LAND O'LAKES COMMUNITY RULES**

The use of UNDERC/LOL and facilities of its partners is a privilege and continued use depends upon obeying their specific rules, which include the following:

- 1) Obey all speed and traffic rules. At LOL, this includes 25 mph on the main entrance road (main gate to Craig House) and 15 mph on all other roads.
- 2) Obtain all necessary applications and permits for research and collecting. At LOL, this includes obtaining research permissions by completing the UNDERC Research Protocol document and its approval by the LOL Advisory Board.
- 3) Follow UNDERC safety protocols (UNDERC ISP).
- 4) Obey all use restrictions. These include restricted use and access to lakes at LOL:
  - a. Fishing only in Bay, Morris and Tenderfoot Lakes.
  - b. Research restrictions described in the UNDERC Research Protocol.
  - c. No access to Moccasin Lake.
  - d. Honor the privacy of others (e.g., priests, administrators, Hank family, etc.).
- 5) No parties at lakes.
- 6) Guests must be approved and registered by UNDERC or LOL staff. At the discretion of UNDERC and LOL staff, a guest may be denied admission or removed from UNDERC facilities any time. All students, staff and faculty are expected to take responsibility for their guests' behavior at all times. Visitors are expected to be knowledgeable about and abide by UNDERC Rules, as well as the rest of the Expectations for Conduct.

## **ATTACHMENT 2: SPECIFIC RULES/POLICIES**

### **APPENDIX A: USE AND POSSESSION OF ALCOHOL**

- Participants are expected to comply with minimum age requirements for possession and consumption. Participants may be referred to the University Conduct Process for underage consumption, possession or transportation of alcoholic beverages, possession of false identification which misrepresents their age or identity, or for providing alcoholic beverages to any person who is underage.
- Consumption or possession of alcoholic beverages in open containers is prohibited in the corridors and common areas, such as lounges or lobbies, and public areas outside of dorms/apartments.
- Students may not possess or consume alcoholic beverages that contain in excess of fourteen percent (14%) alcohol by volume. This regulation applies to all students and their guests while at UNDERC properties, regardless of age.
- Kegs are not permitted at any UNDERC property.
- Students of legal age may possess or transport in public areas of UNDERC property and common spaces of UNDERC residential facilities an amount of alcohol, in closed containers and in suitable packaging, consistent with the concept of responsible and moderate consumption
- Students of legal drinking age may possess and consume alcoholic beverages at approved University events and/or when served at a UNDERC facility licensed to provide alcoholic beverages.
- Intoxication by any student, regardless of age, whether in public or in private, is prohibited.
- The abusive drinking of alcoholic beverages is prohibited. The following behaviors are among those that may be considered violations of this regulation:
  - Participating in drinking games, consuming shots of alcohol, drinking to the point of physical illness, “shotgunning” alcohol, or the possession or use of any instrument of alcohol abuse (e.g. “beer bong”).
  - Consumption of alcohol directly from containers intended for multiple servings (e.g., quart bottles, 40 oz. bottles, 750 ml wine bottles, etc.).
  - Possession or consumption of alcoholic punch, gela-tin shots or grain alcohol.
  - Consumption of alcohol while using prescription or over-the-counter medication where such use is contraindicated.
- Faculty and staff must be models to students on how responsible, mature members of society can either abstain from the use of alcohol or use alcohol in ways that contribute to the quality of their lives without falling into the trap of excess or addiction.
- Faculty, staff and graduate students can provide alcohol to undergraduates only when it is possible to ensure moderate consumption, including but not limited to the following:
  - No participant is underage for drinking (21 years of age);
  - A meal will be provided, and alcohol will be provided only for a limited time (brief) and either before or after the meal;
  - Hosts will also provide nonalcoholic beverages as an alternative to alcohol;

- Alcohol is dispensed by a licensed bartender.
- Faculty and staff should not accompany undergraduates to restaurants, bars, lounges, etc., where they are aware that underage drinking is taking place.
- Given University alcohol rules and the UNDERC mission to provide an academic community, it is strongly recommended that gatherings with undergraduates not provide alcohol, as it would require excluding undergraduates who are under 21 years of age.

## **APPENDIX B: DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**

### **STUDENTS**

The University prohibits the operation of a motor vehicle while intoxicated or impaired. Any person doing so exhibits wanton disregard for the rights and safety of others.

For purposes of this policy, “driving under the influence” is defined as a situation in which the operator of any motorized vehicle is determined by admission, by testing for blood alcohol content or by commonly accepted behavioral observations (e.g., slurred speech, staggering, etc.) to be driving such vehicle after having consumed alcoholic beverages or ingested other drugs or legally controlled substances which may alter, inhibit or impair a person’s condition of thought and action.

Also for purposes of this policy, a first offense is a first-time violation of the “driving under the influence” policy. A second offense is a second violation of the “driving under the influence” policy or a first-time violation of this policy with at least one previous violation of the intoxication policy.

#### ***Violations and Outcomes***

First offense: If a student is determined to have violated this policy, the Office of Community Standards and/or its designees will:

1. Place the student on Disciplinary Probation for at least one semester.
2. Require the student to participate in an alcohol assessment at an appropriate assessing agency and undertake alcohol education according to the assessor's determination.
3. Require the student to forfeit all University vehicle registration and campus driving/parking privileges for at least one semester.
4. Require the student to participate in other formative outcomes.

Second offense: If a student is determined to have violated this policy and it is a second offense as described above, the Office of Community Standards and/or its designee(s) will:

1. Separate the student from the University for at least one academic semester.
2. Require the student to participate in an alcohol assessment with an appropriate assessment agency and comply with any and all recommendations of that agency prior to seeking readmission to the University.
3. Require that the student permanently forfeit all University vehicle registration and campus driving/parking privileges.

Offenses involving injury or harm to another: When an offense results in serious injury or harm to another, the University reserves the right to take additional action, including the possibility of temporary or permanent dismissal from the University or as outlined in Emergency Actions.

### **FACULTY / STAFF**

For the full University policy for faculty and staff, please read: <http://hr.nd.edu/nd-faculty-staff/forms-policies/drugs-and-alcohol/>

## **APPENDIX C: DRUGS AND CONTROLLED SUBSTANCES**

### **STUDENTS**

Students found responsible for possession or use of illegal drugs or controlled substances, the unauthorized possession or misuse of prescription drugs, or the possession of drug paraphernalia may face temporary dismissal from the University. Students found responsible for distribution of illegal drugs and substances, including the illicit redistribution of prescription drugs, may face permanent dismissal from the University.

### **FACULTY / STAFF**

Please review the full University policy at: <http://hr.nd.edu/nd-faculty-staff/forms-policies/drugs-and-alcohol/>

## **APPENDIX D: SEXUAL HARASSMENT AND DISCRIMINATORY HARASSMENT**

The University of Notre Dame strives to maintain a community characterized by a respect for others. At a minimum, this means a community that is free from Sexual and Discriminatory Harassment. At Notre Dame, our goal is to promote respectful behavior and interactions across campus. Our culture of respect means that no type of Sexual or Discriminatory Harassment is tolerated, and all incidents of intolerant or disrespectful conduct will be addressed. This culture of respect is regularly conveyed to members of the University community, including through formal training sessions. The University is also dedicated to responding quickly and thoroughly to all reports of Sexual or Discriminatory Harassment, and to enforcing the Non-Retaliation Policy to protect those who report and/or are involved in an investigation of Sexual or Discriminatory Harassment.

The University of Notre Dame does not tolerate Sexual or Discriminatory Harassment by faculty, staff, students or any person with whom our faculty, staff or students interact in an educational or business capacity. All members of the University community should report instances of Sexual or Discriminatory Harassment to the Office of Institutional Equity (574-631-0444) or to Notre Dame's Integrity Line (1-800-688-9918), or as otherwise outlined in this policy. Any person who engages in Sexual or Discriminatory Harassment will be subject to disciplinary action, up to and including termination or dismissal.

### **DEFINITION OF DISCRIMINATORY HARASSMENT**

Offensive, unwelcome conduct or language that is based on an individual's race, color, sex, religion, national origin, age, disability, genetic information, veteran status or sexual orientation, and that creates an offensive, demeaning, intimidating or hostile environment for that individual.

### **DEFINITION OF SEXUAL HARASSMENT**

Sexual Harassment Unwelcome sexual advances, requests for sexual favors, and other offensive verbal, non-verbal or physical conduct of a sexual nature when:

- a) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of education, employment, or participation in other University activities;
- b) Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's education or performance or creating an intimidating, hostile, demeaning, or offensive University environment for that individual

*For the full University policy, as well as reporting options, grievance procedures, and resolution procedures, please read: [http://equity.nd.edu/assets/119525/policy\\_on\\_sexual\\_and\\_discriminatory\\_harassment.pdf](http://equity.nd.edu/assets/119525/policy_on_sexual_and_discriminatory_harassment.pdf)*

## APPENDIX E: SEXUAL MISCONDUCT AND SEXUAL ASSAULT

Sexual misconduct of any kind is inconsistent with the University's values and incompatible with the safe, healthy environment that the Notre Dame community expects. All members of this community share responsibility for creating and maintaining an environment which promotes the safety and dignity of each individual. The most egregious form of sexual misconduct is sexual assault, which is an affront to justice that will not be tolerated at Notre Dame. Federal law views sexual misconduct and sexual assault as forms of sexual harassment prohibited under Title IX. Sexual assault also violates state law as well as University policy. Students found responsible for sexual misconduct or sexual assault will ordinarily face outcomes up to and including dismissal from the University.

Sexual misconduct offenses that are prohibited are:

- Non-consensual sexual intercourse, which is any sexual intercourse by any person upon another without consent. It includes oral, anal and vaginal penetration, to any degree, with any object. It is referred to as "sexual assault" in this policy.
- Non-consensual sexual contact, which is any sexual touching with any object, by any person upon another, without consent. Sexual touching is contact of a sexual nature, however slight.
- Other forms of sexual misconduct include, but are not limited to:
  - Indecent Exposure
  - Sexual exhibitionism
  - Sex-based cyber-harassment
  - Prostitution or the solicitation of a prostitute
  - Peeping or other voyeurism
  - Going beyond the boundaries of consent, e.g., by allowing others to view consensual sex or the non-consensual video or audiotaping of sexual activity.

Consent means informed, freely given agreement, communicated by clearly understandable words or actions, to participate in each form of sexual activity. Consent cannot be inferred from silence, passivity, or lack of active resistance. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. By definition, there is no consent when there is a threat of force or violence or any other form of coercion or intimidation, physical or psychological. A person who is the object of sexual aggression is not required to physically or otherwise resist the aggressor; the lack of informed, freely given consent to sexual contact constitutes sexual misconduct.

Intoxication is not an excuse for failure to obtain consent.

An incapacitated person is incapable of giving consent. A person is incapacitated if that person is in a physical or mental state such that he or she lacks the ability to make a knowing and deliberate choice to engage in the sexual interaction. For the purposes of this policy, a person who is asleep or unconscious is incapacitated, without exception. A person may also become incapacitated due to other factors, which may include the use of alcohol and/or drugs to such a degree that the person no longer has the ability to make a knowing or deliberate choice to engage in the sexual interaction. When the question of whether the complainant was incapacitated is at issue, the perspective of a sober, reasonable person in the position of the respondent will be the basis for determining whether the respondent should have known that the complainant was incapacitated and thus incapable of giving consent.

*For more information about Sexual Misconduct and procedures in place at the University, please review:*  
<http://studenthandbook.nd.edu/community-standards/standards/smsa/>

## **APPENDIX F: SEXUAL ACTIVITY POLICY**

The University embraces the Catholic Church's teaching that a genuine and complete expression of love through sex requires a commitment to a total living and sharing together of two persons in marriage. Consequently, students who engage in sexual union outside of marriage may be subject to referral to the University Conduct Process.

## **APPENDIX G: CONSENSUAL RELATIONSHIPS**

Because of the potential for abuse or the appearance of abuse and the inherent differential in authority, the University prohibits any faculty member or employee of the University from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any student currently enrolled as an undergraduate at Notre Dame.

Furthermore, because of the potential for abuse or the appearance of abuse and the inherent differential in authority between graduate students and their educators, counselors, and others holding positions of authority over them, the University prohibits any member of the University community from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any graduate student whom he or she educates, counsels, coaches, supervises or evaluates in any way.

Likewise, because of the potential for abuse or the appearance of abuse and the inherent differential in authority, the University prohibits any member of the University community from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any employee whom that person supervises or evaluates in any way.

Note: "Employee" as used in this provision does not include any student employees except for those who teach undergraduate students.

Exceptions to any of these prohibitions will be considered by the Office of the Provost or the Office of Human Resources on a limited, case-by-base basis. If you have any questions about the application or effect of this policy to an existing or potential relationship, please ask your supervisor and/or member of the Office of the Provost or the Office of Human Resources.

In keeping with this University policy, if charges of sexual harassment are made, the existence of a consensual relationship in any of the contexts stated above shall not be a defense in any proceeding brought by the Office of Residence Life and Housing, Office of the Provost, or Office of Human Resources.

Individuals who violate this provision are subject to the range of discipline listed in the Sexual Harassment Policy under the appropriate "Resolution" section.

This policy is intended to be an addition to existing University rules and regulations and does not alter or modify any existing University rule or regulation.

*For more information, please read: <http://hr.nd.edu/nd-faculty-staff/forms-policies/consensual-relationships/>*