

## **College Policies**

\*Please note that while we make all effort to include all information relevant to students in the course of their enrollment, we cannot possibly include every situation and/or scenario that might occur during a given year. That being said, the following College Policies are some of the more significant/substantial institutional considerations included. Some of these may be redundant with information found in the Brevard College Catalog as well as Sections 6, 7, and 8 of this handbook (which include Community Standards that we expect all students live and abide).

### **Academic Policies**

Please see the College Catalog for policies related to grades, academic good standing, academic probation, academic suspension, and appealing grades, etc.

### **Access to Educational Records**

In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), only authorized College personnel will have access to the information contained in student educational records. Any other access must have written authorization from the student, with the exception of "directory information": the student's name, address, telephone number, date and place of birth, dates of attendance, degrees and awards received, major field of study, hours enrolled, class schedule, participation in officially recognized sports and activities, weight and height of members of athletic teams, and the most recent educational agency or institution attended. According to FERPA, this information may be released without written consent. Any student who does not want this information released should notify the registrar in writing within the first two weeks of the semester. Students have the right to review their own records with the exception of confidential recommendations. Students may obtain a copy of the College's policy concerning access to educational records from the Office of the Registrar

### **Class Cancellation**

Faculty will have their own communication plan for cancelling classes and students should be familiar with these policies. In the event that the College closes, please refer to local TV, radio, and Contact Now (emergency notification system).

### **Class Conduct**

Registering for any course at Brevard College constitutes a commitment on the part of the student to make a mature and responsible effort to succeed. Behaviors in the classroom should be conducive to the success of academic programs and the learning experiences of all students. It is important that students respect others and their opinions. This respect is demonstrated in a number of ways including being on time to class, being prepared to contribute to the class in a constructive manner as defined in the course syllabus, and exhibiting conduct during class that displays self-respect and respect for others. Any conduct by a student which is detrimental to that student's success or best performance or to the success or best interests of the class may result in the temporary or permanent removal of the student from the class. Detrimental activities include excessive absences or tardies; side conversations or other rude, distractive, or disruptive behaviors; lack of effort; fighting; threatening behaviors; profanity; verbal abuse; direct defiance of the teacher's authority; or other verbal or non-verbal behaviors that are negative influences upon others in the class. The type of exclusion is dependent on the nature of the conduct. Outcomes associated with such conduct include warnings; a grade of F for the days (e.g., tests, papers) absent from class; or a grade of F or W for the entire course. The grade assigned when a student is removed from a class depends on the results of arbitration and/or appeal as well as the time during the semester and the student's work to that point in the course. When an instructor excludes a student from class, the instructor will send a written statement of the reasons to the Division Chair. The student has the right to appeal by notifying the Division Chair in writing. Subsequent appeals go through the Vice President of Academic Affairs to be assigned to the Honors Council.

### **College Communications**

Brevard College has established electronic mail as a primary medium for official communication with students, faculty and staff. Each registered student and active faculty and staff member is assigned an official Brevard College e-mail address by the IT department according to a naming convention established by the department.

All official College information (e.g., academic notices, campus calendars, policy updates, registration and financial information, etc.) will be sent to the individual's Brevard (@Brevard.edu) e-mail address. No official College information will be sent to any other email address.

The College expects that students will receive and read e-mail in a timely manner. Failure to receive and read College communications delivered to official Brevard College e-mail address in a timely manner does not absolve recipients from knowing and complying with the content of such communications. It is recommended that e-mail be checked daily, but at a minimum, twice per week. In addition, Brevard College students should regularly access personal information (grades, account information, etc.) through WebTwister (following instructions provided by the IT Department) and should also access general College information at the BC student portal (<https://www2.brevard.edu/portal/>).

### **Directed Withdrawal**

The College reserves the right to require, after appropriate staff evaluation, the withdrawal of students who have been placed on academic and/or disciplinary probation (as defined in the College Catalog or this Student Handbook) or whose attitude and behavior are not in accord with the ideals and standards of the College. Students should refer to the Student Handbook for additional information related to the types attitudes/behaviors that would be considered detrimental to these ideals and standards. Such evaluation may take place at any time. Students directed to withdraw must leave the campus immediately (unless exceptions are provided by the Vice President for Academic Affairs and/or the Dean of Students).

Students directed to withdraw from the College may be eligible for consideration for transfer to another institution but are generally not eligible to return to Brevard College.

Conditions of the directed withdrawal and conditions under which the student may apply for readmission may be set at the time of the withdrawal and/or at the time that an application for readmission to Brevard College is considered. Students who are directed to withdraw from the College during the withdrawal period will receive a grade of W on all courses in which they are enrolled. After the withdrawal period, the student will receive the grade earned for the course.

### **Family Educational Rights and Privacy Act (FERPA)**

The Congress of the United States, on August 21, 1974, enacted into law the Family Educational Rights and Privacy Act (FERPA). This act sets out requirements of educational Colleges designed to protect the privacy of students and their records. Specifically, the act governs access to education records maintained by educational Colleges and the release of information contained in such records. Copies of the law may be reviewed in the Registrar's Office. FERPA information is online at [www.ed.gov/policy/gen/ferpa/index.html](http://www.ed.gov/policy/gen/ferpa/index.html).

Brevard College hereby designates the following student information as public or "Directory Information." Such information may be disclosed by the College for any purpose, at its discretion. However, generally this information is only shared with College officials on a need-to-know basis as defined in the Brevard College FERPA Policy Statement located in the Office of the Registrar: Name, Local and Permanent Address, Local and Permanent Telephone Number, Date and Place of Birth, Dates of Attendance, Major and Minor Fields of Study, Degree and Date Awarded, Academic Honors, Classification, e-mail address, photographs, parent/guardian names, religion, student schedule and student load. Athletic information about student participation in sports and data such as height and weight will be released to the media and published by appropriate College publications.

The College will not disclose information about students, other than "Directory Information" to people outside the College without the student's written consent, unless the disclosure is compelled by law or some other extraordinary circumstance; is in conjunction with organized educational research; or is required by an accrediting agency. Exceptions to this policy may be made in individual cases provided that the exceptions are consistent with applicable law and are judged to be in the interest of the student's educational progress.

Currently enrolled students who wish to have directory information withheld must provide written notification to the Office of the Registrar on or before the last day to add a class of the semester of first time enrollment for an academic year. Brevard College assumes that failure on the part of any student to specifically request the withholding of "Directory

Information” for the academic year he or she is enrolled indicates individual approval for disclosure. Additional information can be found on the FERPA page at <http://www.brevard.edu/registrar>.

### **General Grievance Procedure for Students**

Brevard College is committed to mutual respect among all constituents of the College community. This commitment includes students, faculty, staff, and administration alike. In all concerns about fair treatment, the College seeks to work together to understand and address those concerns without having to resort to formal grievance procedures. When that is not possible, the College is committed to a fair and reasonable resolution of issues through a formal grievance process guided by the information and documentation provided in the process. The regulation described below guides the orderly procedure of grievance and attempts at resolution. This procedure is to be used to resolve grievances against decisions or actions that were made by employees or agents of the College.

- An action or decision is grievable only if it involves a misapplication or misinterpretation of College policy, regulation, or rule, or a violation of state or federal law. Grievances may not be used to challenge policies or procedures of general applicability. In addition, this procedure may not be used to grieve:
  - Claims based on purchases or contracts;
  - Claims against an employee on matters that are unrelated to the employee's job or role at the College;
  - Disciplinary decisions, since there is a separate procedure (administered by the DOS) for them;
  - Formal complaints of harassment, since there is a separate procedure for them (administered by the VP of Business and Finance); or
  - Where another College procedure could have been used for the matter being grieved (e.g. residency appeals or FERPA grievances).
- The procedures may be used by a grievant who is enrolled as a BC student or who is participating in a BC-sponsored educational event at the time of the incident being grieved.
- The person filing the grievance must be the alleged victim of unfair treatment
- A grievance cannot be filed on behalf of another person.
- The existence of this procedure does not bar a grievant from also filing a claim in other forums to the extent permitted by state or federal law.
- The formal resolution process must be initiated within 60 days of the decision, action, or events giving rise to the grievance. This time limit may be extended by the College administrator with jurisdiction over the grievance, if the grievant makes the request for extension within the 60 day period, for good cause shown.
- The grievant should first discuss the issue with the person(s) responsible for the action or decision being grieved, and with that person's supervisor (or higher administrative authority), if feasible. This is not required in cases where the grievant believes that efforts at informal resolution may result in retaliation or other unfair treatment. The parties may also confer with the VP of Business and Finance about the use of mediation as part of an informal resolution process.
- If a student believes that he or she has been discriminated or retaliated against based upon race, color, religion, sex, age, national origin, or disability, s/he should notify the NC State Office for Equal Opportunity. The Office for Equal Opportunity may discuss the issue with all parties and attempt to facilitate an informal resolution. The Office for Equal Opportunity shall make efforts to resolve the issue as soon as practical, and shall maintain a record of all communications and documents. This record shall be kept confidential to the extent required and allowed by law.
- The grievance must:
  - Be in writing;
  - State how the decision or action is unfair and harmful to the grievant and list the College policies or state or federal laws that have been violated, if known;
  - Name the respondent parties (the person(s) against whom the grievance is filed);
  - State how the respondents are responsible for the action or decision,
  - State the requested remedy; and
  - State whether the grievant will bring an observer to the hearing and, if so, whether the observer will be an attorney.
- If it is clear on the face of the written grievance that the grievance has not been filed within the time limit, or pertains to a matter not grievable under this procedure, or is from a person without grievance rights under this grievance, the VP of Business and Finance shall so indicate in a letter to the grievant and the grievance shall be

dismissed. If the grievance is not dismissed, VP of Business and Finance shall appoint a panel to hear the grievance and shall provide them with a copy of these procedures and the written request for hearing.

- If the respondent is a member of President's Cabinet, the grievance process should be administered by the President or designee.

Panel guidelines and process include:

- Panel members shall include students and faculty or staff members who are not part of the same office or immediate administrative unit as the respondent(s).
- Panel members should have no personal interest in the outcome of the proceeding, and should not have any personal involvement in earlier stages of the matter.
- The panel shall meet, elect a chair, and send the grievant's hearing request to the respondent(s), all within ten College business days of being appointed. The chair shall offer respondent(s) an opportunity to provide a written response to the allegations within ten College business days to the panel chair. The chair may also instruct the parties that they have ten College business days to provide each other and the panel with:
  - Copies of any exhibits they wish to introduce as evidence, and
  - A list of witnesses that each party will call.
- The chair may extend the deadlines for submitting a response and for exchanging proposed exhibits upon a showing of good cause.
- The chair shall notify the parties of the hearing date, time, and place at least ten College business days in advance of the hearing. The panel may schedule additional days for hearing, if needed, after the hearing is underway, so long as all parties receive reasonable advance notice of the additional dates. The response to the grievance must be distributed to the panel and all parties at least ten College business days prior to the hearing.
- The hearing must have detailed minutes taken.
- Each party may choose to have one observer present who is not a witness. Observers may not provide representation or otherwise participate in the proceeding, but may speak to their respective parties off the record so long as it does not interfere with the hearing.
- The panel may request procedural advice from an attorney. Both the grievant and the responder may have an attorney present, as an observer, during the proceedings. If one party does not have an attorney present, it is still acceptable for the other party to have an attorney present (again, in an observer's role).
- The panel has the authority to rule on procedural matters not otherwise addressed in College policies and procedures.
- The panel may decline to consider evidence for reasons of excessive redundancy, immateriality, irrelevance, and other good cause.
- Formal rules of evidence will not apply, and the panel may consider any evidence it believes to be relevant and reliable.
- Each party may make an opening and closing statement (grievant first and respondent(s) second in opening; grievant first, respondent(s) second, and grievant last in closing) of a time duration to be determined by the panel. After any opening statements, the grievant shall present his/her testimony and exhibits, and present any witness testimony. The respondent(s) shall have an opportunity to ask questions of the grievant and witnesses. The next step is for the respondent(s) to present any testimony, exhibits, and witnesses, to be followed by questioning from the grievant. Rebuttal and other follow-up testimony is at the discretion of the panel. Closing statements from each party conclude this step of the hearing process. Panel members may ask questions or request additional information, documents, or witnesses at any time prior to adjournment. At the conclusion of this step of the procedure, the parties and witnesses shall be excused.
- The panel shall deliberate and reach a decision on the grievance in closed session. Deliberations are not tape recorded or transcribed. The decision must be based solely on material presented in the grievance. The panel should be careful not to substitute its judgment for that of the respondent(s). Rather, the panel should decide if the decision being grieved was the result of a misapplication or misinterpretation of College policies, regulations, or rules or a violation of state or federal law. The burden is on the grievant to establish by a preponderance of the evidence that the grievant has experienced an injury that would entitle the grievant to relief and that such injury is remediable.
- The chair of the panel shall compile an official record of the proceeding that includes a copy of all correspondence with the parties, all evidence submitted to the panel (documentary evidence that the panel declined to consider must be so marked and segregated), the recording or transcript of the hearing, and

anything else considered by the panel in reaching its recommendation. The chair of the panel shall be responsible for ensuring that a written report is prepared that addresses and resolves all material factual issues in dispute, that states a conclusion as to whether the student was subjected to misapplication or misinterpretation of College policy or state or federal law, and if so recommends remedies as appropriate. The report and official record shall be delivered to the vice chancellor or dean who appointed the panel, with copies of the report to be sent to the parties, within sixty calendar days after the hearing. A dissenting panel member may file a minority report at the same time.

- The VP of Business and Finance who appointed the panel shall issue a written decision within twenty College business days of receipt of the panel's report and official record. The decision may adopt the panel report in whole, modify it in part, or reject the report and reach different findings or conclusions for reasons expressly stated. The VP of Business and Finance may also remand the matter if clarification of the panel's report is necessary or additional proceedings to clarify the record or cure procedural error are required. This decision shall be sent to the parties (certified mail return receipt, or personal delivery with a signed and dated receipt, to the grievant) and may be shared with the panel members.
- Panel members, witnesses, parties, and all other persons involved in the grievance proceeding are expected to maintain strict confidentiality regarding the proceeding. State and federal laws govern the privacy rights of students and employees. Any questions about the disclosure of information should be directed to the panel in writing, and the panel may consult with an attorney.

### **Immunization Requirement**

North Carolina State Law GS130-A-155.1 requires ALL College students to have a Certificate of Immunization. The student must give the dates for all required immunizations. The Certificate must be signed by a physician or health department official. This Certificate of Immunization must be returned prior to registration or the student will not be permitted to attend classes and may be withdrawn.

### **Intellectual Property Rights Policy**

Please see the Brevard College Employee Manual for more information related to this topic.

### **Missing Persons Policy**

Brevard College Security investigates all reports of missing persons from our campus. The purpose of this policy is to establish procedures to be followed if a missing person complaint is made to any member of the Brevard College community. The following steps will be followed:

- Person receiving the complaint will immediately contact Brevard College Security officer.
- The responding officer will gather all essential information about the person (description, clothes last worn, where subject might be, who they might be with, vehicle description, etc.). An up-to-date photograph may also be obtained to aid in the search.
- The responding officer will also gather information about the physical and mental well-being of the individual.
- The responding officer will contact appropriate campus staff to aid in the search for the individual.
- A quick but thorough search will be conducted in all campus buildings, grounds, and parking lots.
- Class schedules will be obtained and a search of appropriate classrooms will be conducted.
- The Vice President for Campus Life will be promptly notified and is responsible for communicating with the family or relatives of the missing person within 24 hours of the report.

If the above actions are unsuccessful in locating the person or it is apparent from the beginning that the person is actually missing, (e.g., call from parents or guardians) the investigation will be turned over to the appropriate local law enforcement agency. This will take place as soon as practical but never later than 24 hours from the initial report. The local police then become the authority in charge and Brevard College Security and the Campus Life Office will assist them in any way necessary.

### **Liability/Assumption of Risk**

Participating in an activity can often be taken as voluntarily assuming the inherent and obvious physical risks of the activity. Accidents can happen that are not caused by a negligent act of anyone associated with the College. The main

purpose of a waiver or informed consent form is to inform participants of the potential risks associated with the activity and that the participant (or parent/guardians of minor participants) understands the risks and agree to assume the possible foreseen or unforeseen risks. Therefore, to participate in various College activities/programs, the College requires participants to sign a release of liability waiver to participate. Questions related to signing this waiver should be addressed to the Vice President for Business and Finance.

### Location of Brevard College Student Records

Brevard College keeps and maintains various student records (referred to as part of the educational record) on campus for various purposes (grades, disciplinary, financial, etc.). Each office responsible for these records must keep such records on file until allowed by law to discard appropriately. For more information on record maintenance, please see chart below and feel free to contact each office regarding its record keeping.

STUDENT RECORD	CONTACT	PHONE	BUILDING/ROOM
Academics	Registrar	884.8155	Beam Admin 105
Admissions	Admissions	884.8300	Beam Admin 110
Alumni	Alumni Affairs	884.8218	Alumni House
Athletics	AD Compliance	884.8280	Athletics
Counseling	Counseling Services	884.8129	Stamey Wellness Center
Discipline	Dean of Students	884.8258	Coltrane
Financial Aid	Financial Aid	884.8287	Beam Admin 102
Financial	Business and Finance	884.8263	Beam Admin 207
Medical	Medical Services	884.8244	Stamey Wellness Center

### Parking and Transportation

All BC students are required to have a valid parking permit for each year they are enrolled. Each semester upon registration, a student's account will be billed 100 dollars for a parking permit. Students who do not have a vehicle can opt out of the charge by checking the appropriate box on the "Student Profile and Vehicle Registration" form through the Campus Life Office in Coltrane. **\*\*Please note that students that opt out of having a parking permit and are found with a vehicle on campus will be charged with a \$300 ticket/citation that is not appealable.\*\*** Students who are charged for this fine will need to register their vehicle and display their parking permit or they will be subject to additional fines/charges through the Social Code Review Process.

All students must complete the "Student Profile and Vehicle Registration" form through the Campus Life Office to register their vehicle appropriately. Once registered, a student will receive the permit for their vehicle. All permits must be properly displayed (by placing the decals in the rear window on the driver's side) or the student will face fines for failing to properly display their parking permit. Brevard College assumes no responsibility for any damage or loss involving any type of vehicle or other transportation.

*Student parking spaces are designated as commuter or residential. Faculty and staff parking spaces are identified with yellow lines. Students may park only in those areas authorized by their permit, and they are prohibited from parking in Visitor Parking spaces. No one is authorized to park along the curbs or on the grass (except for designated maintenance or emergency response vehicles). Those cited for parking on the grass will be charged a restitution fee, in addition to a fine. Anyone authorized to park in spaces reserved for "Handicapped Parking" must display an appropriate license plate, or other state issued tag or emblem. Backing into parking spaces is acceptable, with the exception of angled parking spaces, as long as the permit is visible from the rearview mirror.*

*There will be a fee charged for each parking ticket/citation issued. Parking tickets/citations may be appealed through the Parking and Transportation Appeal Board by submitting, in writing, an appeal and dropping it off in the Campus Security Office in Stamey. The Parking and Transportation Appeal Board will meet to review the appeal and make a decision. If the person appealing fails to address their parking ticket/citation and/or permit issues, their vehicles, the ticket/citation automatically stands without the ability for further appeal/review. The decision of the Parking and Transportation Appeal Board is final.*

*All persons receiving tickets/citations are responsible for any and all requests and payments to rectify any outstanding situation and/or debt. Individuals who have ignored more than three parking tickets/citations, or who have failed to purchase a parking permit, will be notified by Campus Security and they will be required to meet with the DOS and Director of Campus Security.*

*The following violations may result in the suspension of operating privileges on Brevard College property: driving on the campus while impaired, using a vehicle to store items otherwise prohibited on campus, the accumulation of three unpaid parking tickets, and any moving violations occurring on campus. The campus wide speed limit is 15 miles per hour. Drivers will be ticketed for reckless driving and for failing to stop for STOP signs. These matters will be turned over to Campus Life for adjudication as violations of the Social Code.*

### **Reading Day Policy**

All faculty, staff, and administration should honor the spirit of Reading Day, which is devoted to preparation and study for finals. Accordingly, faculty, staff, and administration may not schedule mandatory activities on Reading Day including: due dates for assignments, formal presentations, athletic events, meetings, testing, and/or administration of final examinations other than those identified by the official, college-wide final exam schedule. Acceptable activities, for example, include: review sessions and study groups, as long as they are not required and/or graded as course components. All instructors are expected to be available to students on Reading Day.

### **Reserving College Space**

To ensure that Brevard College can provide a quality education to its students, the facilities of Brevard College must exist primarily for the purpose of education and used by its faculty, staff and students. However, when convenient and on a case by case basis, Brevard College will make its facilities available to groups and organizations outside the College whose purpose is consistent with the College's mission.

The College maintains the right to determine which activities are appropriate to be held on the campus. Events shall in no way violate the purposes, property, policies or guidelines of Brevard College.

1. All facilities are property of Brevard College and must be scheduled through the Office of Event Planning and Support. There is no departmental or individual 'ownership' of space; however, to ensure that all appropriate individuals have input into the overall planning and support process, the following measures will be taken:
  - a. The Director of Event Planning and Support will consult with appropriate individuals about specific parameters regarding the use of spaces on campus and will use those parameters in the daily reservation of spaces.
  - b. Once the parameters for space usage are determined, the Director of Event Planning and Support will coordinate a communication plan with appropriate individuals determined to be in a "need to know" role.
  - c. Priority for space usage will be given to internal users (BC faculty, staff, and students) who meet priority deadlines as outlined (see section entitled "Priorities for Scheduling" below).

- d. Spaces cannot be reserved for long durations on a reoccurring basis.
  - e. Event plans should not be made until a confirmation has been issued by the Office of Event Planning and Support.
  - f. If an event is changed or canceled, the Office of Event Planning and Support must be notified immediately.
  - g. All events will be communicated to Campus Security for safety and security reasons.
2. All resources (tables, chairs, audio/visual equipment, etc.) are property of Brevard College. Use of such resources for campus events must be scheduled through the Office of Event Planning and Central Scheduling. There is no departmental or individual 'ownership' of resources; however, to ensure that all appropriate individuals have input into the overall planning and support process, the following measures will be taken:
    - a. The Director of Event Planning and Central Scheduling will consult with appropriate individuals about specific parameters regarding the use of resources on campus and will use those parameters in the daily reservation of resources.
    - b. Once the parameters for resource usage are determined, the Director of Event Planning and Support will coordinate a communication plan with appropriate individuals determined to be in a "need to know" role.
  3. All physical and/or technical set-ups for events must be scheduled through the Office of Event Planning and Central Scheduling. All physical set-up responsibilities will be managed through Facilities Management. Additionally, all technical set-up responsibilities will be managed through the Office of Event Planning and Support. The following measures must be followed:
    - a. The Director of Event Planning and Central Scheduling will coordinate with appropriate individuals about specific event requests.
    - b. For optimal set-up, the Director of Event Planning and Central Scheduling generally needs 72 hours for most technical set-ups. Please note--there may be special circumstances that require more than 72 hours advance notice depending on the event needs (i.e. larger technical set-up needs).
    - c. All technical riders must be reviewed by the Director of Event Planning and Central Scheduling prior to signing contracts.
    - d. Many spaces have permanent set-ups but the Director of Event Planning and Central Scheduling may make exceptions in consultation with appropriate individuals.
    - e. Catering is available through Brevard College's food service provider, Pioneer. Use of catering should be requested so the Director of Event Planning and Central Scheduling can coordinate physical set-up needs with Pioneer. Actual catering orders must be placed through Pioneer by calling (828) 884-8183.

#### Priorities for Scheduling:

As Brevard College's mission is committed to the education of its students, the priorities for space reservation are as follows:

1. All spaces and resources are primarily for college events (defined below). When space is available and does not conflict with the mission of the College, non-college events (defined below) will be considered, on a case by case basis.
2. The academic calendar will determine reservation guidelines as classroom schedules take first priority. The Director of Event Planning and Central Scheduling will coordinate classroom schedules with the Registrar's Office. No reservation is official until the Office of Event Planning and Central Scheduling issues a confirmation.

College Events are those events planned by internal users which are directly related to the instructional mission of the College or to the life of the campus community beyond the classroom (athletic, recreation, and student programming). The sponsor of this type of event is responsible for the actions of its participants. There are no facility rental fees charged for these events. Internal users are responsible for direct costs for services such as dining services, equipment or furniture rental, and extraordinary facilities services. College Academic Events are covered under the College's insurance policy.

Non-College Events are those events which are sponsored by outside community groups or individuals (including personal use by faculty, staff or students). These events may only be scheduled when they do not conflict with on-going



programs and activities of the College. Contracts are required for this type of event. Facilities rental fees are charged to the sponsor. The sponsoring community organization or individual is responsible for all costs related to the event. Non College Events are NOT covered under the College's insurance policy. Certification of insurance by the sponsor will be required.

### **Sexual Assault, Harassment and Misconduct Policy**

Brevard College is committed to an atmosphere of human dignity in which effective collegial relationships are based on mutual respect. It is our policy to create and maintain an environment for students, faculty, and staff that is optimally conducive to learning and positive working conditions.

Therefore, it is the policy of the College to provide for students, faculty, administrators, and all other employees an environment that is free from discomfort or pressure resulting from jokes, ridicule, slurs and harassment relating to one's race, color, religion, age, sex, sexual orientation, national origin, disability or any other legally protected category. In furtherance of this policy, the College will not permit the use of epithets, innuendos, slurs, jokes or any other inappropriate, harassing behavior related to a student's or employee's race, color, religion, age, sex, sexual orientation, national origin, disability or any other legally protected category anywhere on campus or at any campus sponsored event. In addition, all forms of verbal and physical harassment based on the above-listed protected categories are strictly prohibited.

Sexual assault is a serious violent crime. It is a crime of hostility and aggression as well as a violation of human dignity. Sexual assault is a very sensitive crime which is unique in its physical and mental impact upon the alleged victim. When it occurs at Brevard College, it is also a flagrant violation of College standards and will not be tolerated.

Brevard College expects its members to treat other persons with respect and dignity and will not tolerate any form of sexual assault or sexual misconduct. Sexual activity should be explicitly agreed upon by both parties. The same holds whether the assailant is a stranger or an acquaintance. The use of alcohol or drugs will not be accepted as an explanation for the actions of any person charged with the violation of this policy. In addition, the use of alcohol or other mind-altering substances by either party does not have to be known by both parties for the offense to be considered sexual assault or sexual misconduct.

Students who violate this policy will be disciplined under the College's Code of Conduct and may be prosecuted under North Carolina's criminal statutes. Whether or not a criminal prosecution occurs, Brevard retains the right to proceed with disciplinary action at any time, and the College need not await the dispensation of any such criminal prosecution. Appropriate disciplinary action may include counseling, educational sanctions, disciplinary probation, suspension, expulsion, and referral to the proper law enforcement authorities for prosecution. This policy applies to student on student allegations only.

### **Definitions**

The following definitions are offered to inform the Brevard College community of the various types of sex offenses that occur most frequently on college campuses. If the institution reasonably should know about student-on-student

harassment that creates a hostile environment, immediate action will be taken to eliminate the harassment, prevent recurrence, and address effects, even if the harassment occurred off campus or is reported by a third party.

Sexual misconduct offenses include, but are not limited to :

1. Sexual Harassment
2. Non-Consensual Sexual contact (or attempts to commit same)
3. Non-consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Exploitation
5. Retaliation in connection with any of these offenses

**Sexual Harassment is:**

- Unwelcome sexual advances, requests for sexual favors and any other verbal or physical conduct of a sexual nature where one or more of the following conditions occur:
- Submission to such conduct is a term or condition of an individual's employment, academic standing or education; either explicitly or implicitly
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual
- Such conduct has the purpose or effect of substantially interfering with an individual's employment or academic performance by creating an intimidating, hostile or demeaning educational environment.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexually based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; gender-based bullying.

**Non-Consensual Sexual Contact is:**

- Any intentional sexual touching,
- By a man or woman upon a man or woman,
- That is without consent and/or by force
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Examples include: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts: any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, groin, genitals, mouth or other orifice.

**Non-Consensual Sexual Intercourse is:**

- Any sexual intercourse by a man or woman upon a man or a woman that is without consent and/or by force.
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Examples include: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact; no matter how slight the penetration or contact.

**Sexual Exploitation:**

- Occurs when a student takes a non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Examples include, but are not limited to: invasion of privacy; prostituting another student; non-consensual video or audio tape of sexual activity; going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex); exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; engaging in voyeurism; knowingly transmitting an STI or HIV to another students; sexually-based stalking and/or bullying may also be forms of sexual exploitation.

**Retaliation:** Retaliation is any adverse action against a student who reports discrimination or sexual misconduct, files a complaint, assists someone in reporting or filing a complaint participates in an investigation or hearing of a complaint, or protests what he or she considers to be discrimination or sexual misconduct under this Policy, where the intent of the

action is to intimidate, coerce or otherwise deter the student from exercising his or her rights under this Policy. Retaliation includes, but is not limited to, verbal threats, physical abuse or different treatment because of the student's exercise of his or her rights.

**Consent:** Consent is clear, knowing and voluntary. Consent is active, not passive. The responsibility to obtain consent rests with the initiator of the activity. Consent is defined as informed, freely and actively given, mutually understandable words or actions. A person has the right AT ANY TIME to say "no" to sexual activity and that "no" means "no". Verbal communications of non-consent, nonverbal acts of resistance or rejection, or mental incapacitation of the alleged victim due to any cause including the alleged victim's use of alcohol or drugs constitute a lack of consent. words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other form of sexual activity
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Consent cannot be given by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable or deceptive pressure for sexual activity.
- A person under the influence of drugs or alcohol cannot give consent.

**Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.")

- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition force

### **Risk Reduction Strategies and Bystander Intervention**

#### **Reducing the Risk of Being Sexually Assaulted**

Communicate your limits clearly. Express quickly, firmly, and clearly. Polite approaches may be ignored or misunderstood. Say "NO." Avoid giving mixed messages. Know where you are going and be comfortable with the plans. Don't go anywhere with someone you don't know well. If you do leave a party with a new friend, tell the friends you came with where you are going and when you are coming back. Drinking and drug use can impair your ability to think, act, or communicate clearly.

Only drink something that you have poured yourself or that comes in a pre-sealed container.

Don't drink something that has been left unattended.

Listen to your gut feelings. If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place.

Look for warning signs. Pay attention to behavior that does not feel right. Be careful of anyone who ...

- Ignores your personal boundaries
- Does not listen to what you say
- Is jealous and possessive of you and your time
- Gets upset when you don't do what they want
- Tries to make you feel guilty to get their way
- Is under the influence of alcohol or other drugs

#### **Reducing the Risk of Committing Sexual Assault**

Ask for consent and listen to what your partner has to say. If your partner says "no" to sexual contact believe the person and stop.

Don't assume that if someone had sex before he/she wants to have sex again. Don't assume that if your partner consents to kissing or other sexual activities, he/she consents to all sexual activities.

Understand that if you have sex with someone who is intoxicated, drugged, passed out, or otherwise incapable of saying "no" or unaware of his/her surroundings, you may be guilty of rape.

### **Bystander Intervention**

Bystanders are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have a choice to intervene, speak up, or do something about it" (Banyard, V.L., Plante, E.G. & Moynihan, M.M., 2004). It is important to look out for each other and to care for the individual being violated: call 911 or campus security.

### **Sexual and Other Harassment Reporting Procedures**

Charges of sexual assault, harassment and sexual misconduct of any kind are taken seriously by Brevard College. The College is concerned with the rights of all members of the community. All parties to a sexual or other unlawful harassment complaint are entitled to fundamental fairness in the handling of the complaint. Individuals are encouraged to report immediately any incidence of sexual or other unlawful harassment. Students experiencing sexual or other unlawful harassment should follow the procedure outlined below to report a complaint.

If a student assault, harassment or misconduct occurs, it should be reported to the Office of Campus Security, Dean for Students, Residence Life, Health Services, or the Counseling Center. If a faculty or staff assault, harassment, or misconduct occurs, it should be reported to the Office of Campus Security or Human Resources.

Different employees on campus have different abilities to maintain a victim's confidentiality.

- Some are required to maintain near complete confidentiality: talking to them is sometimes called a "privileged communication". The employees at Brevard College that fall into this category are the campus minister and counselor.
- Some employees are required to report all the details of an incident (including identities of both the victim and alleged perpetrator) to the Dean for Students or Director of Campus Security. A report to these employees (called "responsible employees") constitutes a report to the College – and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence. The College encourages victims to talk to someone identified in one or more of these groups. If a victim wants to tell a responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to a "responsible employee", the responsible employee will also inform the Dean for Students of the victim's request for confidentiality.

### **Requesting Confidentiality from the College: How the College Will Weigh the Request and Respond**

If a victim, discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although not often, there are times when the College may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible

employee is on notice of alleged sexual violence: Vice President for Campus Life/Dean for Students, Director of Campus Security and Title IX Coordinator.

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Vice President/Dean for Students will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as: whether there have been other sexual violence complaints about the same alleged perpetrator; whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence; whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others; whether the sexual violence was committed by multiple perpetrators
- Whether the sexual violence was perpetrated with a weapon
- Whether the victim is a minor
- Whether the College possesses other means to obtain relevant evidence of the sexual violence
- Whether the victim's reports reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary actions. If none of these factors is present, the College will likely respect the victim's request for confidentiality.

If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

The College will remain mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated. The College will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to campus or local law enforcement – and provide assistance if the victim wishes to do so.

The College may not require a victim to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

If the College determines that it can respect a victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

When an alleged sexual misconduct (sexual assault and/or harassment), campus resource person will notify the complainant of the range of resources and alternatives available to him/her both on campus and in the Brevard community. The discussion should include encouraging the complainant to report the incident to law enforcement authorities. The College can help arrange a meeting with law enforcement authorities and will accompany and support the alleged victim during the meetings.

In instance where reports of sexual discrimination or misconduct are found to be falsely made, the complainant may be charged with a violation of the Student Code of Conduct, specifically, providing false information to College Officials.

### **Investigating an Allegation of Sexual Discrimination Involving Students**

The procedure for internal disciplinary action in cases of alleged sexual discrimination will provide prompt, fair, and impartial investigation and resolution. The procedure will be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct a hearing process that protects victim and promotes accountability. Once a report of sexual discrimination has been made a resolution procedures shall be pursued within seven calendar days from the initial report. Investigations of the allegations of sexual discrimination will use the following responsive grievance procedures:

### **Informal Resolution Procedures**

Some complaints of sexual discrimination can be resolved through informal mediation between the parties. Informal Resolution Procedures are optional and may be used when the institution determines that it is appropriate. Informal procedures are NEVER applied in cases involving violence or non-consensual sexual intercourse.

1. The Vice President for Campus Life/Dean for Students may arrange for or facilitate mediation between the involved parties and coordinate other informal problem resolution measures.

### **Formal Resolution Procedures**

1. Any member of the College community who believes that he/she has been the victim of sexual discrimination including sexual harassment and sexual assault may bring the matter to the attention of one of the following individuals: Vice President for Campus Life/Dean for Students, Director of Campus Security, Director of Residence Life, Director of Housing, Director of Student Engagement, Director of Community and Volunteer Services, Hall Directors, or any faculty or staff member.
2. The complainant must submit to the Vice President for Campus Life/Dean for Students or the Director of Campus Security a written statement detailing the alleged offensive conduct. The contents of the written statement should include a complete statement of the facts of the incident including dates, times, locations, witnesses, any relevant background facts or circumstances, and the signature of the complainant. Cases involving sexual discrimination are particularly sensitive and demand special attention to the issues of confidentiality.
3. Upon receipt of the written complaint, the Vice President for Campus Life or the Director of Campus Security will inform the alleged offender of the complaint, the identity of the complainant, and will provide a written statement of the complainant within seven calendar days. Every reasonable effort will be made to protect the complainant from retaliatory action by those named in the complaint. Once the resolution process has been initiated, it will be followed to completion. The approximate time for resolution will be no longer than 20 days. Both parties will be notified if additional time is needed to complete the case.
4. The alleged offender may respond to the complaint with a written statement detailing the alleged offensive conduct. The contents of the written statement should include a complete statement of the facts of the incident including dates, times, locations, witnesses, any relevant background facts or circumstances, and the signature of the alleged offender. Cases involving sexual discrimination are particularly sensitive and demand special attention to the issues of confidentiality.

### **Rights of Complainant and Respondent**

#### **Rights of the Complainant**

The complainant's rights include, but are not limited to, the following:

1. The right to end the informal process at any time and begin the formal stage of the complaint process.
2. The right to confer with an advocate of not more than one person to be chosen by the complainant from Brevard College campus community (student, faculty, or staff member) to help prepare information to present at the hearing. This advocate may be present at the hearing, but only to answer questions that the complainant may have during the course of the proceedings. The advocate may not speak at the hearing unless specifically requested to do so by the chairperson for the hearing panel.
3. The right to make his or her statement without being in the presence of the respondent in the hearing.
4. The right to make an "Impact Statement," which is an oral statement that describes the effect the incident has had on the complainant emotionally or physically.
5. The right to call witnesses (other than character witnesses) to testify at the hearing. However, the hearing panel may establish a reasonable limit to the number of witnesses.
6. The right to have witnesses (other than character witnesses) submit written statements.
7. The right to withdraw a complaint at any time prior to the imposition of sanctions.

8. The right to appeal the decision to the Vice President for Campus Life, as set forth in this policy.
9. The right to file a complaint with law enforcement at any time.

### **Rights of the Respondent**

The rights of the respondent include, but are not necessarily limited to, the following:

1. The right to confer with an advocate of not more than one person to be chosen by the respondent from the Brevard College campus community (student, faculty, or staff member) to help prepare information to present at the hearing. This advocate may be present at the hearing, but only to answer questions that the respondent might have during the course of the proceedings. The advocate may not speak at the hearing unless specifically requested to do so by the chairperson to the Hearing Panel.
2. The right to be informed of the charges in writing, the time and place of the offense, and his or her complainant.
3. The right to make his or her statement without being in the presence of the complainant in the hearing.
4. The right to call witnesses (other than character witnesses) to testify at the hearing. However, the hearing panel may establish a reasonable limit to the number of witnesses.
5. The right to have witnesses (other than character witnesses) submit written statements.
6. The right to appeal the decision to the Vice President for Campus Life, as set forth in this policy.

## **Student Conduct Procedures for Sexual Misconduct Cases**

### **Hearing Panel**

Promptly after the victim complaints are submitted, the Vice President for Campus Life will convene a five person panel comprised of two or three full-time faculty members and two or three full-time staff members who have received training on hearing sexual assault discipline cases.

Members of the hearing panel will meet to discuss the complaint. The parties to the dispute will be invited to appear, separately, before the panel, to present testimony and witnesses. Questions will be limited to the incident itself and will not involve questions regarding the claimant's unrelated prior sexual activity. Evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

The hearing panel may conduct its own formal inquiry, call witnesses, and gather whatever information it deems necessary to assist it in reaching a decision and recommendations for subsequent action. The hearing panel will maintain confidentiality throughout the entire process. The hearing will be a closed hearing.

The hearing panel will keep a verbatim record of the hearings by means of a single audio tape which will be kept in a secure place.

During the proceedings, each party will be permitted to have a support person of his/her choice. Such persons are present advisors, but may not act as spokespersons for the parties.

### **Standard for Determining Responsibility**

According to the Office of Civil Rights, the standard used to determine responsibility in cases of sexual discrimination will be Preponderance of the Evidence Standard, whether it is more likely than not that the accused violated the Policy on Sexual Discrimination and Misconduct. The Clear and Convincing Standard, whether it is highly probable or reasonable certain that the accused violated the Policy on Sexual Discrimination and Misconduct, is a higher standard of proof and is not used under Title IX. All members of the College community found to have violated this policy will be disciplined up to dismissal from the College.

### **Notice of the Outcome**

Once the hearing panel determines whether sexual misconduct occurred, the notice of the outcome will be

communicated in writing to the President and the Vice President for Campus Life. The Vice President for Campus Life will forward the findings to both parties through a face to face meeting with the parties within one day of such outcome being reached.

The notice of the outcome will include only the name of the accused, the violation alleges(including any institution rules or code sections that were allegedly violated), essential findings supporting such final result, and any sanction imposed by the institution against the accused(including a description of any disciplinary action taken by the institution, the date of the imposition of such action, and the duration of such action).

### **Penalties for Misconduct**

The following schedule of penalties applies to all violations of the Policy on Sexual Discrimination and Misconduct. A written record of each action taken pursuant to the Policy will be placed in the offending person's file. The record will reflect the conduct, or alleged conduct, and the warning given, or other discipline imposed.

1. Sexual Assault and Violence: Any person's first offense of sexual assault and violence may result in discharge/dismissal from the College.
2. Other Acts of Sexual Discrimination: A person's commission of acts of sexual discrimination (other than sexual assault and violence) will result in non-disciplinary oral counseling upon first offense with a disciplinary status added to the individual's academic file, depending upon the nature or severity of the misconduct; and suspension or discharge upon the second proven offense, depending on the nature or severity of the misconduct.
3. Retaliation: Retaliation against a sexual discrimination complainant will result in non-disciplinary oral counseling. Proven retaliation will result in suspension or discharge upon the first proven offense, depending upon the nature and severity of the retaliatory acts, and discharge upon the second proven offense.

### **Appeal Process**

Either party may appeal the hearing panel's recommendations to the Vice President for Campus Life with 48 hours after the student has received formal notification of the recommendations for action and must state specific grounds for the appeal. The grounds for appeal are listed below:

1. Question of Fact – A party may appeal on questions of fact by introducing new evidence which would significantly affect the outcome of the case. Evidence which was known to the appellant at the time of the original hearing, but was withheld, shall not constitute a question of fact nor is it to be considered upon appeal.
2. Question of Procedure – The appellant must demonstrate that procedural guidelines established in this document were breached, and that the errors affected the outcome of the case.
3. Severity of Sanction – Appeals based on the severity of the sanction shall be considered only when the penalty imposed exceeds the recommended range of sanctions for the specific violation. The accused can request leniency in cases where it is clearly demonstrable that the imposition of a sanction is inconsistent with previous judicial practice, even though it may be within the range of acceptable action. Mere dissatisfaction with the sanction is not grounds for appeal.

After the student has filed an appropriate request of an appeal he/she will be notified within 48 hours of the outcome of the appeal request. The Vice President for Campus Life will appoint an Appeal Committee. The Appeal Committee will be comprised of one or two faculty members and one or two staff members. The Appeal Committee may deny hearing an appeal. However, if the Committee chooses to hear the appeal, it is authorized to take the following actions: it may change a finding of guilt to a finding of innocence, it may modify the penalty, or it may order a new hearing wherein new evidence or statements not available at the previous hearing is regarded as being of sufficient importance will be presented. The appeal outcome from the Appeals Committee is final. Appeal hearings must be recorded and shall be closed hearings.

### **Prevention of Recurrence and Retaliation**

The College will make every effort to ensure the safety and well-being of all students. The College prohibits retaliation of any sort. Any act of retaliation including, but not limited to, harassment, abuse, threat, or intimidation toward the complainant, the respondent, or any witness who makes a report is forbidden. Such behavior should be reported to the office of Campus Security, the Dean for Students, or local law enforcement. The Dean for Students' Office or designee shall be responsible for contacting complainants to determine if retaliation has occurred.



### *Interim Protective Orders*

When a report has been filed and both parties have been informed of the charges, the College may remove the alleged respondent from his/her living arrangement, pending the hearing. Alleged complainants may also request a campus escort.

In addition, the Dean for Students or his/her designee may issue an interim “no contact” order to help ensure that the alleged complainant is not harassed by the alleged respondent. All forms of contact between the alleged victim and respondent will be prohibited. Harassment by either party or their acquaintances will also be prohibited. Such interim measures will be in effect through the end of the student conduct hearing process, and may be extended after the hearing.

### *Living Arrangements*

When the alleged complainant and the alleged respondent in a sexual assault case live in campus housing, alternative living arrangements for the respondent and/or the alleged complainant may be made when reasonably available and if so requested by the alleged complainant. Unless otherwise requested by the complainant, the alleged respondent will, most likely, be the one to move as the alleged complainant can be further victimized by having to move.

### *Academic Considerations*

Should the alleged complainant and alleged respondent be enrolled in the same class, alternative class assignments may be made when reasonably available, and if requested by the alleged complainant.

### *Inadvertent and Isolated Offense of Sexual Harassment*

A member of the College community who exhibits a singular or isolated act of conduct expressed in the examples of sexual harassment may simply lack the sensitivity to know that these actions or statements are creating discomfort or may be humiliating to others. Any member of the College community who becomes aware of such activity is encouraged to caution the individual directly about the questionable conduct in a discreet and confidential manner.

## **Procedures for Sexual Harassment**

The underlying philosophy of this sexual harassment policy is one of correction rather than punishment, although specific sanctions, depending on the nature and severity of the incident(s), ranging from a letter of reprimand, suspension, or termination of employment, are possible outcomes if the formal grievance procedures of the College are invoked. Nevertheless, the guiding principles of this policy are to:

1. respond in a timely manner to a reported incident of sexual harassment;
2. take whatever measures are appropriate; and
3. take all reasonable measures to prevent the incident from recurring.

The College has established mediation and resolution procedures in order to respond immediately to a sexual harassment complaint and investigate it fully. The procedure is designed to mediate and resolve such complaints promptly and fairly. Similarly, a formal grievance structure for handling complaints that cannot be resolved through mediation is also available. In general, any individual with supervisory authority who obtains knowledge of an incident of sexual harassment occurring within his or her area is expected to take the proper steps immediately to address the situation.

## **Sexual Harassment Mediation and Resolution Procedures**

### **Step 1 – Unofficial**

It is often the case that a student, faculty, or staff member of the College, believing that he/she may be experiencing a form of sexual harassment, will attempt to resolve the situation on one's own, or consult with another individual within the College community such as a colleague, supervisor, department or division head, faculty or student advisor, or a member of the student affairs or counseling staff. With the requested aid of an advisor, the individual may attempt to resolve the situation in an informal and unofficial manner. The advisor, acting with discretion and in confidence, may assist the individual in reviewing the situation in the context in which it occurred, aid the individual in identifying the problem, and review the options for resolution that are available.

## Step 2 – Official

If the matter cannot be resolved through the unofficial, informal method cited in Step 1, or if the individual chooses not to obtain the help of an unofficial advisor, the complainant may report the incident to a campus life or security staff member.

The official procedures are as follows:

1. be available to dialogue with the complainant or other concerned individuals and the individual accused to determine the nature of the incident related to sexual harassment and the context in which it occurred;
2. conduct a discreet inquiry into the complaint, gathering and examining all relevant facts;
3. mediate and resolve the complaint informally if possible;
4. inform the parties of the formal grievance procedures available when no resolution is forthcoming or if either party is dissatisfied with the progress of the mediation;
5. keep confidential all information gathered during the investigation, and all processes for mediation and resolution; and
6. prepare a record of the complaint, the investigation and findings, the mediation and resolution, if any.

The staff member will forward their records to the Director of Human Resources to retain for three year from the date of the complaint. If the matter has been resolved through mediation, and no further incident occurs regarding the accused individual within this period, the record will be destroyed. After a successful mediation, if the behavior is reported as continuing, the record will be retained and can be made available to the appropriate formal grievance body.

If the matter has not been successfully mediated and either party wishes to proceed with formal grievance procedures, the official College staff person will submit the record of the attempted mediation to the formal grievance structure to be utilized in the particular case.

## Grievance Procedures

Inasmuch as a formal grievance procedure is expected to be used as a last resort, it is assumed that all efforts to resolve the complaint through the mediation and resolution and mediation procedures cited above have been conducted. Formal grievance procedures are found in various handbooks and other documents or publications relating to the various College constituencies (e.g., faculty, administrators, staff and students). Student grievances are handled through the Student Code of Conduct.

## Recommended Action

The purpose of this material is to provide information and assistance to alleged complainants of sexual assault and sexual misconduct, and persons who may come in contact with an alleged complainant. The College encourages reporting all incidents of assault to Campus Security. On-campus sexual assault or sexual misconduct should also be reported as quickly as possible to a campus resource person.

## Sexual Violence Resource List

### Campus Resources:

- Vice President for Campus Life/Dean for Students: Office 828-884-8391 or Cell 606-627-1069
- Title IX Co-Coordinator, Debbie D'Anna: Office 828-884-8391/Cell 606-627-1069
- Title IX Co-Coordinator, Deborah Hall: Office 828 884 8219/ Cell 828-506-0964
- Counseling Services: 828 -884-8129
- Director of Campus Security: 828 884-8381
- Campus Security: 828 577-9590

- Health Services: 828 884-8242
- Director of Residence Life: 828 884-8366
- Director of Housing: 828 884-8159
- 9-1-1 is always an option for an emergency situation

#### **Off-Campus Resources:**

- S.A.F.E., Inc. of Transylvania County: 828 885-7233
- Transylvania Regional Hospital: 828 884-9111

S.A.F.E. is the best off-campus resource for an individual dealing with sexual assault or domestic violence. There an individual can receive counseling and/or be direct to a safe place if the individual feels they are in danger of further harm.

The best off-campus resource is S.A.F.E., 828 885-7233. An individual can receive counseling and/or be directed to a safe place if the individual feels they are in danger of further harm.

Making decisions and regaining control are important to the healing process after an offense. The choice of how to proceed after the assault belongs largely with the alleged complainant. The following are a few factors to consider.

*Emotional Trauma* is severe after a sexual assault. The violation, loss of trust, and loss of control can have a serious long-term impact. It is not unusual for a person to withdraw, feel guilty or distrustful. However, there are many people who understand and places where support is available while one is recovering. The College Counseling Center is the best on-campus resource for students.

*Medical Attention* is critical. Even if the alleged complainant ultimately decides not to report the assault, it is still very important to seek immediate medical attention for possible internal injuries or sexually transmitted diseases. Also, the collection of medical evidence becomes critical in the event of prosecution. Therefore, it is important to seek medical attention promptly and to refrain from:

1. Taking a shower or washing any part of the body;
2. Douching;
3. Brushing teeth;
4. Drinking liquids;
5. Changing clothes or changing sheets before seeking medical help; and
6. Putting anything in the mouth (gum, cigarettes, mints).

At the Emergency Room, the doctor will collect hair samples, semen samples, and other evidence, including clothing. An alleged victim should bring a change of clothing to wear home. The police will be contacted to take possession of the samples until the victim makes a decision about whether or not to press charges.

*Counseling* is a very important step in helping someone who has been sexually assaulted regain control of his/her life. Sexual assault is an extremely traumatic experience that needs professional attention. The College urges students involved in a sexual assault to meet with a counselor. Among other things, counselors can help alleged victims decide what further steps may be taken following an assault. The best resources are S.A.F.E. and the College Counseling Center.

#### *Note to Friends, Faculty, and Staff*

If someone who has been sexually assaulted comes to you, encourage the person to report the incident, seek medical attention, and pursue counseling. If the alleged victim will not report the offense, anyone with knowledge of the assault may inform the Dean for Student, Director of Campus Security, and/or the College Counseling Center that a sexual assault has occurred.

#### *Campus Statistics*

In compliance with the Campus Security Act and the Higher Education Amendments of 1998, Brevard College annually publishes statistics on campus crimes, including reported sex offenses. These statistics are located in the back of the Student Handbook and the Campus Security page of the college's website.

#### *Educational Programs*

To create a climate of awareness of sex offenses, unhealthy relationships, and alleged victims' options, and to promote responsible behavior, Brevard College offers educational sessions through the Campus Life. These programs are offered to Brevard College students, faculty and staff on an ongoing basis. Additional programs are offered specifically to residential students.

## **Policy on Alcohol**

### **Preamble**

The use and especially the abuse of alcohol can pose a serious threat both to the full development of the individual person and the educational environment, which includes not only the campus community but the neighborhood and surrounding community.

Federal regulations (Federal Drug Free Schools and Communities Amendments of 1989) Require notification of the following: unauthorized distribution, possession, or use of any controlled substance or illegal drug as defined by the North Carolina revised statutes; providing alcoholic beverages to individual under twenty-one(21) years of age; and unauthorized possession of an open container of an alcoholic beverage, public intoxication; unauthorized distribution of alcoholic beverages or possession of alcoholic beverages for purposes of illegal distribution on Brevard College premises or at Brevard College sponsored events.

This policy and the related procedures outline the College's responsibility and the responsibilities of those who work, study, or congregate at the College. This policy applies to students in all academic-related activities and environments on and off campus. Care has been taken to outline these responsibilities so as to allow each member and guest of Brevard College to assume the respective responsibilities attendant to his or her status with Brevard College.

### **Risks Associated with Alcohol and Drug Use**

All substance use poses some degree of health risk. The level of risk is dependent on the type of substance, frequency, and amount used; interactions with other medication/substance, and individual risk factors including family history, previous substance abuse history, and health conditions.

### **Alcohol Beverage Policy**

The following information and guidelines apply to all Brevard College students, faculty, staff and guests attending events sponsored by the College. They have been established to provide for the growth of the individuals as person and have been established to provide for the growth of the individuals as persons and to provide for the preservation and enhancement of the environment and communities within which this growth occurs.

Those who engage in substance abuse may be referred to appropriate internal and external assistance programs. The College provides counseling and referral service to students through counseling services.

### **State and City Laws**

Members of the College community are expected to be aware of and obey state and municipal laws or ordinances regulating the use, possession or sale of alcoholic beverages. Alcohol concentration of or above 0.08 is the definition of intoxication in the State of North Carolina.

Students who are cited for violations of such laws or ordinances by state or municipal authorities also may face College disciplinary proceedings and/or be required to pursue counseling or treatment as a condition of continued enrollment at the College. The laws of North Carolina are applicable to every person on the Brevard College campus, regardless of his or her state or country of origin.

The following are important North Carolina and City of Brevard laws or ordinances:

- It is illegal for any person under twenty-one(21) years of age to attempt to purchase, consume, possess or transport any alcoholic beverages.
- It is illegal for any person under twenty-one(21) years of age to knowingly and falsely present himself or herself to be twenty-on(21) years of age for the purpose of procuring any intoxicating beverage.
- It is illegal for any person to represent to a dealer or any other person that a minor is over twenty-one(21) years of age for the purpose of inducing the dealing or other person to serve alcoholic beverages to that minor.
- It is illegal for any person to request anyone over twenty-one(21) years of age to purchase or offer to purchase any alcoholic beverage from a licensed dealer for a minor.
- It is illegal for any person to sell, furnish or give away any alcoholic beverage to a person under twenty-one (21) years of age or to any person who is visibly intoxicated.
- It is illegal to operate or control a motor vehicle while under the influence of alcohol.
- It is illegal for any person, whether or not a minor, to sell alcoholic beverages without a license.
- It is illegal for any person to induce anyone under twenty-one(21) years of age to commit any of the above criminal acts.

The City of Brevard ordinance prohibits the consumption of alcoholic beverages and the possession of open containers of alcoholic beverages in public streets, sidewalks, highways, buildings, lanes, parking lots, recreation or park areas or other public property within the City of Brevard.

The penalties for violating the above laws and ordinance are severe. Moreover, individuals may face severe financial consequences from a civil lawsuit arising out of the use or misuse of alcohol.

### **College Regulations Governing the Use of Alcohol**

The following regulations govern the use of alcohol on the Brevard College campus:

1. The use or possession of alcoholic beverages is allowed in Green Hall and North and South Villages. Alcohol is only permitted inside a resident's room and only if the resident is twenty-one(21) years of age. Alcohol is not permitted in the common areas of Green Hall or North and South Villages.
2. Intoxication and/or alcohol abuse shall not be permissible as an excuse for unlawful behavior or misconduct. Public drunkenness, as commonly defined by slurred speech, erratic behavior and physical coordination difficulties, is prohibited. In addition, disorderly conduct, property destruction, intimidation, verbal abuse or harassment, or other infringements of the rights of others as a result of alcohol use is prohibited.
3. Alcohol beverages of any kind are prohibited at College sponsored events on or off campus.
4. No driver shall consume alcoholic beverages in any College vehicle or in a College sponsored vehicle on public highways.

### **Alcohol Policy Violation and Sanctions**

Each violation of the College Alcohol Policy will be reviewed according to the College's student conduct. The following sanction per alcohol policy offense will be used as guidelines and are not requirements. The sequence of sanctions below might not be followed for more severe alcohol policy violations (e.g. excessive amounts of alcohol). Failure to meet the terms of any sanction in the allotted time period will result in further disciplinary actions, including additional sanctions and/or fines.

**First Offense:** Warning and completion of AlcoholEDU for Sanctions within time frame allotted by Disciplinary Officer, Substance Education Fine of \$100.

**Second Offense:** Substance Education Fine of \$150 and Parental Notification

**Third Offense:** Disciplinary Probation

**Fourth Offense:** Suspension

Additional sanctions may be assigned as deemed necessary by the appropriate student conduct body. Additional sanctions may include, but are not limited to, assignment of community service hours, residence hall probation, educational sanctions, restitution, etc.

- *In accordance with the Family Educational Rights and Privacy Act, which is part of the Higher Education Act, the College has a right to notify parents/legal guardians if a student under the age of 21 violated an alcohol or drug policy or is accused of a violent crime.*

### **Advertising and Marketing of Alcohol**

Brevard College does not permit the advertisement or promotion of alcohol in the residence hall. This includes the displays of empty containers, signage, etc.

### **ILLEGAL DRUG USE POLICY**

Brevard College does not allow the use of illegal substances. Because the use of illegal drugs is dangerous to the well-being of individual users, and to the goals of this college, the following regulations are in effect. Students involved in the manufacture, sale, offering to sell, delivery, use or possession of a controlled substance or paraphernalia will be referred to the Director of Student Conduct. Such conduct could entail suspension or expulsion from the College and/or a requirement that the student enroll and actively participate in a drug counseling and rehabilitation program as a condition of continued enrollment or readmission. The College reserves the right to evict a residential student involved in any of the above mentioned behaviors from its residence halls at any time during the academic year. These regulations are not substitutes for criminal sanctions provided for by the state and federal statutes.

### **Laws Concerning Illicit Drugs**

The following laws concerning specific illicit drugs are drawn from the state laws of North Carolina. A representative listing of specific drugs and the violations inherent in illegal activities related to such drugs is provided below. The failure to list all drugs included in the above laws does not exonerate individuals from responsibility for their actions as it relates to illegal drugs, nor does it preclude the College from taking steps to address illegal activity in terms of its own internal counseling and referral system or its judicial system.

Among others, the following acts and the causing thereof are prohibited within the state of North Carolina:

- The manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance or drug paraphernalia.
- The penalty for violation of these acts is based upon the nature or schedule of the drug involved and the weight of the substance.

### **Possession of Marijuana**

1. A person is guilty of possession of marijuana when he/she knowingly and unlawfully possesses marijuana. Possession of marijuana can be a misdemeanor or felony depending on the amount in possession and number of offenses.
2. A person is guilty of marijuana cultivation when he/she knowingly and unlawfully possesses marijuana plants with the intent to sell. Possession of 5 or more plants of marijuana is a felony.

### **Criteria for Classification of a Schedule 1 Narcotic**

A schedule 1 narcotic is one that has high potential for abuse and has no accepted medical use in treatment in the United States. Possession of a Schedule 1 narcotic for a first offense is a class D felony.

### **Criteria for Classification of a Schedule 2 Narcotic**

A Schedule 2 narcotic is one that has a high potential for abuse and has a current medical use in treatment in the United States. Possession of a Schedule 2 narcotic for a first offense is a class A misdemeanor. Trafficking in narcotics or marijuana within one-thousand (1000) yards of any school is a class D felony.

### **Drug Conviction and Financial Aid**

If a student is convicted in a court of law for possessing or selling illegal drugs while receiving federal student aid, this action may negatively affect the student's future eligibility to receive such aid. Please contact the Office Financial Aid to discuss the students' aid eligibility.

### **Possession of Drug Paraphernalia**

Possession of any drug paraphernalia is a class A misdemeanor; however, the presence of any illegal controlled substance in/on this paraphernalia may change this to a class D felony.

## **HAZING POLICY-STUDENT ORGANIZATIONS**

Brevard College views any form of hazing, whether on or off campus, as contrary to the community standards as stated in the Student Handbook. Brevard College defines hazing as any intentional, negligent or reckless action, activity or situation whether physical, mental, emotional, or psychological, which subjects a person or group of persons, voluntarily or involuntarily, to abuse, mistreatment, degradation, humiliation, harassment, embarrassment, or intimidation, or which in any fashion compromises his or her inherent human dignity. Acts of hazing committed under the guise of tradition, unity development, or unofficially encouraged by group pressures are unacceptable. Brevard College insists on the complete and total elimination of any activity, which either is or closely resembles hazing.

Acts of hazing are often based on non-constructive relational power differentials. This type of human interaction is not conducive to the mission of this College nor does it protect human dignity. At Brevard College, the respect of human dignity and quality of each student, faculty, and staff member is of preeminent importance.

If, at any time, the individuals have questions regarding activities they have planned, it is their responsibility to check with the Director of Student Engagement for guidance regarding the content of the activity. The Director of Student Engagement can help make the determination as to whether the activity includes hazing content. It is the responsibility of all group members or individuals to be vigilant in their examination of their actions with regard to other group members or individuals. All organizations are responsible for the actions of their group members. Organizations can also receive sanctions as part of the conduct process. This proactive stance regarding hazing is essential to maintaining a hazing-free environment for students, staff, and faculty.

Hazing activities are defined as any activity with a direct or implied threat of physical, psychological, or emotional harm or any conduct or activity that would be a violation under the Brevard College Code of Conduct.

## **CODE OF CONDUCT**

Brevard College students are expected to conduct themselves in a mature and responsible manner, showing respect for persons and property. The following is an illustrative list of inappropriate behavior that could occur both on and off campus, including all college related travel and study abroad experiences, which will be considered cause for disciplinary action. It cannot and does not include all behavior that may lead to disciplinary action. Any behavior that is considered disrespectful to persons or property could lead to disciplinary action.

- Any form of academic dishonesty, which includes, but is not limited to, plagiarism, cheating, and misrepresentation of one's work. Most cases of academic dishonesty will be processed through Academic Affairs. Please reference the academic catalogue for more information about academic dishonesty.
- Intentionally or recklessly harassing or causing physical harm to others or causing apprehension of harm. Harassment includes, but is not limited to, stalking, verbal harassment, hate speech, bullying, cyber-bullying, and verbal threats.
- Intentionally or recklessly interfering with College functions, College sponsored activities, or any activity on College premises.
- Violation of federal, state or local laws and ordinances, or College policies including the residence hall contract. A student has 48 hours to notify the Dean for Students after being charged with violating a federal, state, or local law/ordinance whether it occurred on or off campus.
- Theft, unlawful use or possession of property of the College or others.

- Forgery, falsifying identification, and providing false information to College officials.
- Intentionally or recklessly destroying, altering, or damaging College property or the property of others.
- Unauthorized use of College property or facilities.
- Unauthorized use of possession of firearms or dangerous weapons. Weapons are not allowed on the campus of Brevard College.
- Intentionally initiating or causing any false report, warning or threat of fire, explosion or other emergency; misusing or damaging fire or other safety equipment.
- Hazing or behavior which creates a situation that may endanger mental or physical health, or involves forced consumption of alcohol or drugs for the purpose of initiation or affiliation with any campus organization or group.
- Conduct which is disorderly, obscene, lewd, indecent, or creates a disturbance. This includes, but is not limited to, physical, electronic or verbal misconduct.
- Failure to comply with the directions of College officials, which include student/staff personnel acting in the performance of their duties.
- Abuse of the student conduct system including, but not limited to, filing a false complaint, abuse of student conduct proceedings, and/or violating the terms of a student conduct sanction.
- Any demonstration of gang-related activity or affiliation.
- Gambling (e.g., lotteries, betting on athletic events, numbers games, cards and dice).
- Any form of sexual misconduct, which includes, but is not limited to; sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, or retaliation. Violations involving sexual misconduct may be heard separately from other code violations that occurred at the same time. See the Sexual Misconduct Policy immediately following the section on Disciplinary Sanctions.

#### **STUDENT CONDUCT PROCEDURES (NON-ACADEMIC)**

All student conduct regulations, procedures, and sanctions established by the College shall be administered by the Dean for Students, a designee, or a panel. Any member of the College community may file charges under the Code of Conduct. Charges should be submitted in writing to the Dean for Students, Office of Campus Security, or Residence Life as soon as possible, but within two (2) weeks of the alleged misconduct. The Dean for Students has latitude to extend this deadline if deemed necessary.

The Student Code Procedures will be used to adjudicate student conduct cases involving alleged violations of the Code of Conduct. Minor deviations in these procedures, including failure to meet stated deadlines which do not significantly prejudice any party, shall not invalidate the procedure. A student who has been charged with a Code of Conduct violation, and thus alleged to be involved in an inappropriate behavior, will be afforded the following to assure fundamental fairness in the student conduct process:

1. Notice – to be informed in writing of the specific violation in which the student was allegedly involved. Such notice will be given at least three (3) days prior to the hearing, when appropriate and possible, and will include the time and place of the hearing. The notice will also include information regarding the student conduct process.

The hearing office may extend the scheduling of hearing based on good cause (i.e. illness or reasonable delays). The hearing officer may consult with the complainant or the respondent prior to the hearing to review the charges and the student conduct procedures. The Dean for Students or a designee has the authority to immediately suspend, pending the hearing, any student from the residence hall and/or the College.

Students with disabilities who require accommodations for classroom activities may also qualify for accommodations during student conduct hearings. The student must notify the Dean for Students' Office two (2) business days in advance of the hearing if he/she qualifies for accommodations so that information can be confirmed and arrangements can be made through the Disability Services Coordinator.

2. File Access/Review – the student has the right to review official documents in his/her student conduct file, whether they be the complainant or the respondent. Official documents consist of materials that would be considered "educational records" under the Family Educational Rights and Privacy Act of 1974. Personal notes of College staff member are not included. The student must make an appointment with the Dean for Students and/or his/her designee and documents may be reviewed up to 24 hours before the hearing. No copies may be



made from the file, the hearing officer or designee must be present, and the file may not be removed by any student from the office.

3. Investigation – Once a charge has been filed and investigated, the student will receive notice of the hearing to be conducted by the Dean for Students or designee (s), including, but not limited to, Residence Life staff, Campus Life staff, and conduct panels composed of students, faculty and staff members. In cases of sexual misconduct, the college will conduct a full and timely investigation of the complaint. Typical investigations should normally take 30 days following receipt of the complaint and will include investigation as to whether any other students also may have been subjected to sexual misconduct. Participants will be updated throughout this process and other policy violations may, at the option of the Dean for Students, be handled separately.
4. Hearing – to have an opportunity to respond to the information, to present information, and to include relevant witnesses, during a fair and impartial hearing, The hearing shall be private, internal review process that is informal, but thorough. Criminal law concepts do not apply to the student conduct process. Neither federal nor any state's rule of evidence apply in student conduct proceedings. The standard of proof will be the preponderance of the evidence; which means that the information presented, as a whole, shows that the occurrence of the alleged behavior was more probable than not. Conduct Panels are composed of one chief hearing officer, two faculty members and two staff members. Any real or perceived conflicts of interest between the parties will be disclosed prior to proceedings. In cases of sexual misconduct, a pre-hearing meeting is held for the complainant and the alleged respondent. The hearing shall be closed to everyone except the hearing officials (panel members, recorder, and chief student conduct officer), the accused student, the accuser, supporters, and witnesses during the actual time of their statements. Private attorneys and parents may not be present at the hearing. If the accused student fails either to appear or to provide adequate prior notice of a reasonable excuse for not appearing, the hearing may proceed without the accused student. The information in support of the charges will be presented and considered, and the case will be heard in a fair manner. Both the complainant and the respondent will be given the opportunity to indirectly question each other and all witnesses through the hearing officer(s) during the proceedings. Parents may be informed of charges if deemed necessary by the Dean for Students or a designee.
5. Witnesses – to be able to have witnesses speak or present material relevant to the case. It is the responsibility of the student charged and/or the student bringing charges to notify the witnesses of the hearing and to provide a list of the witnesses to the hearing officer at least two(2) business days prior to the hearing. Exceptions to the deadline may be determined by the hearing officer/panel. The College may also call witnesses. The student may review possible witness names 24 hours prior to the hearing. Witnesses are to be on site for the duration of the hearing, and will be called to provide his/her information as needed throughout the hearing.
6. Supporter – to have a Brevard College faculty, staff or student attend the hearing in the role of supporter, but who is not permitted to speak in the hearing. The supporter cannot be one who is involved in the case or is related to any person charged. The person charged and the person making the charges may have a supporter present. The role of the supporter is simply to lend emotional and personal support to the student involved in the student conduct process.
7. Written Decision – to have written notification of the findings of the hearing and the sanction(s), if applicable, within three business days of the hearing. In instances of sexual misconduct, the College will disclose the results of any student conduct proceeding concurrently to the complainant and respondent. In instances of crimes of violence, the College will disclose the results of student conduct proceedings upon receiving written request from the complainant in the Dean for Students' Office.
8. Appeal – the student may make a written appeal within three (3) days of being informed of a disciplinary sanction, when the result of the hearing is suspension or dismissal from the College or residence halls. In cases involving sexual misconduct, regardless of the result of the hearing, either the complainant or the respondent may make a written appeal within three (3) days of being informed of a disciplinary sanction. Appeals must be based on one or more of the following reasons:
  - a) Sanction proportionality – to determine whether the sanction was disproportionate to the offense committed, for which the student was found to be responsible.
  - b) New Information – to consider new information that was not known at the time of the original hearing that, if introduced, would substantially impact the finding or sanction.
  - c) Procedural conformity – a claim that the hearing did not conform to the procedures outlined, and that substantially affected the outcome of the original hearing.

The written appeal must include the specific grounds for the appeal, supporting arguments and documentations, and any other relevant information the respondent wishes to include. Upon receipt of the written appeal, the other principal parties involved in the original hearing are notified and provided reasonable opportunity to respond in writing to the appeal. The principal parties include, but are not limited to, the Dean for Students, the chief student conduct officer, and any person(s) bringing charges against the student.

Validity of appeals for residence hall suspension or dismissal will be heard by the Dean for Students or a designee. Validity of appeals for College suspension or dismissal will be heard by the Committee on Student Appeals.

Appeals of residence hall suspension or dismissal will be heard by the Dean for Students or designee. Appeals of College suspension or dismissal will be heard by the Committee on Student Appeals. This committee is composed of two students from the Student Conduct Board, one faculty member, and one staff member. The Appeals Committee will examine witnesses not previously heard, new information, pertinent materials or information related to the original hearing, including, but not limited to previous hearing summary/minutes, sanction notification letter, incident report, letter of appeal, and appeal responses. The committee will render a recommendation to the Dean for Students or designee, who will review the recommendation and issue a written decision in the matter. The Dean for Students will notify the appellant of the decision within three working days of receipt of the recommendation from the Appeals Committee. In case of any crime of violence or sexual misconduct, both the complainant and the respondent will receive written notification of the outcome of the appeal. Students participating in the appeals process may be allowed to attend classes; participate in College activities, and use College facilities, unless their presence constitutes a clear and present danger to the College community or until the final decision is determined.

9. Maintenance of Records – Documentation of all proceedings, which may include written findings of facts, transcripts or audio recordings will be kept in a secured location. In cases which do not involve suspension or expulsion, the records will be destroyed after seven years. Cases involving suspension or expulsion will be stored indefinitely. Conduct records are kept separate from other academic records and are protected under the Family Education Records Protection Act (FERPA).

### **DISCIPLINARY SANCTIONS**

The following sanctions may be imposed upon any student found to have violated the Code of Conduct.

1. Warning – a notice that the student has violated the College policy and is warned that further misconduct may result in more severe disciplinary action.
2. On Notice – if a student has violated a policy that warrants a more serious sanction than a Warning, but does not justify being placed on Probation, or if a student has already received two or more Warnings, the student may be placed “On Notice.” Any further infractions would result in being placed on Probation or could justify suspension or dismissal from the College or residence hall without first being placed on Probation, depending on the incident.
3. Probation- a student may be issued a sanction of Probation for a relatively serious first offense or as the result of an accumulation of previous violations and sanctions. Probation may be either College Probation or Residence Hall Probation. Probation is for a designated period of time and includes the probability of more severe student conduct sanctions if the student is found to be in violation of any College policies during the probationary period. Residence Hall Probation means that further violation of residence hall policy will result in suspension or dismissal from the residence halls. College probation means that further violations of College policy will result in suspension or dismissal from the College.
4. Parent/Legal Guardian Notification – in accordance with the Family Educational Rights and Privacy Act, which is part of the Higher Education Act, amended in 1998, the College has a right to notify parents/legal guardians if the student under the age of 21 has violated an alcohol or drug policy or is accused of a violent crime. Brevard College may inform parents/legal guardians of students who have received the sanction of College or Residence Hall probation.

5. Social Suspension/Good Standing Status – at student found in violation of College or Residence Hall policy with a sanction of probation or suspension may no longer be considered in “good standing” with the College and may have her/his campus involvement restricted, suspended or eliminated (e.g., athletics competition, honors program involvement, IWIL involvement, scholarships, student organization leader/officer, or other privileges deemed appropriate). The Dean for Students, in consultation with other appropriate College personnel, will determine this on a case-by-case basis, depending on the severity of the violation and the student’s conduct record.
6. Loss of Privileges – denial of specified privileges for a designated period of time.
7. Educational/Developmental – the student may be required to present a program, attend counseling sessions, write a paper, or engage in other related activities. For alcohol-related offenses, the student will be required to participate in an alcohol education program.
8. Fines – fines may be assessed, depending on the incident.
9. Restitution – compensation for loss, damage or injury. This may take the form of appropriate service, monetary, or material replacement.
10. Discretionary Sanctions – work assignments or service to the College community.
11. Residence Hall Relocation – the student may be required to move to another room, floor, or residence hall. The student may also be limited in his/her selection of a room, suite, or building during the housing selection process for the following year.
12. Residence Hall Suspension – separation of the student from the residence halls for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified. This means the student may not live in the halls but may be allowed to visit the halls.
13. Residence Hall Dismissal – permanent separation of the student from the residence halls.
14. College Suspension – separation from the College for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified. A fourth alcohol-related offense may result in College Suspension.
15. College Expulsion/Dismissal – permanent separation of the student from the College.
16. Campus Ban – Student is not to be on any campus property or in attendance at an off-campus college sponsored event (e.g. away athletic events). This ban includes the residence halls, academic buildings, athletic facilities, and college grounds. If student is seen on campus property, the appropriate authorities will be contacted and student may be arrested for trespassing.

### **INVOLUNTARY WITHDRAWAL POLICY**

The Dean for Students and/or her/his designee may require a student to involuntarily withdraw under the following circumstances: when the conduct of any student poses a significant risk to the health or safety of others in the community, and that risk cannot be eliminated by a medication of policies, practices or procedures or by the provision of auxiliary aids or services. Upon evidence of such a potential risk, the Dean for Students may require an assessment of the student by a medical or mental health care professional in order to determine the degree to which the student and/or her/his conduct, actions or statements may pose a significant risk to the community, and the nature, duration and severity of the risk. At the assessment the student may be asked to sign a release to allow the healthcare professional conducting the assessment to communicate the findings to stakeholders in the campus community. The student’s parents/guardians may also be notified of the decision to require such an assessment, as appropriate.

Before a decision is made to require involuntary withdrawal, a hearing will take place with the Dean for Students or her/her designee and the student of concern. In a situation where safety is of immediate concern, the Dean for Students or her/her designee may take interim steps (including but not limited to suspending the student or restricting the student’s access to housing or programs) pending a final decision regarding the student; under such circumstances, the student will be given written notice of the interim action and the reasons for such action, and will be given an initial opportunity to address in writing the truth or accuracy of the reasons given for the action, with the hearing to be held later.

The student will be provided written notice of the hearing at least three (3) days prior to the hearing. If the student fails to appear or provide adequate prior notice of a reasonable excuse for not appearing, the hearing may proceed without

the student. During the hearing, the student will have the opportunity to present information and include relevant witnesses. Private attorneys and parents may not be present at the hearing.

The Dean for Students or her/his designee will notify the student in writing of the decision within three (3) business days of the hearing. Students may appeal this decision to the Dean for Students. In order to appeal, the student must submit a written appeal to the Dean for Students within three (3) business days, which must include specific grounds for the appeal, supporting arguments and documentation, and any other relevant information the student wishes to have considered. The Dean for Students shall review the information presented by the student and shall make the final decision as to whether or not the involuntary withdrawal is upheld within five (5) business days of receiving the written appeal from the student.

### **Social Code Jurisdiction and Review Process**

The DOS is authorized by the President of the College to administer the policies, procedures, and guidelines as it relates to the Social Code and Social Code Review Process. Students who have been charged with a violation of the Social Code must adhere to the provisions of the Social Code Review Process to remain in good standing at the College. Any abuse of the Social Code Review Process shall also be considered a violation of the Social Code and students can be charged with abuse of the process. Abuse can consist of:

- Failure to obey the notice of the DOS or designated official to appear for a Board or Conference
- Failure to obey the notice of the DOS to meet with him/her
- Falsification or misrepresentation of information in the process
- Disruption/interference with the orderly conduct of the process
- Attempting to discourage an individual's participation/use of the process
- Attempting to influence the impartiality of a Social Code Review Board or Social Code Review Conference
- Harassment or intimidation of a member/participant in a Social Code Review Process
- Influence or attempt to influence another to commit an abuse of the process

### **Trespassing on College Property**

Brevard College may be visited by the general public under certain conditions. Persons who violate College policy, regulations, rules or pose a risk to campus safety or security have no right to be on College property and may be advised to leave by Campus Security, DOS, President, or his/her duly authorized representative. These individuals may be removed from the campus by use of a trespass warning under the authority of North Carolina General Statutes 14-159.12 or 14-159.13.

Persons may be directed to leave or prohibited from entering the campus or a specified area, and given trespass warnings if they have done any of the following:

- Committed any crime on campus;
- Have threatened, and/or interfered with any member of the College community, including faculty, staff, students, and visitors, or have acted in a way that poses or indicates a threat of disruption to normal College operations;
- Violated College policies, regulations, or rules;
- Loitered around buildings or parking lots without satisfactory explanation;
- Otherwise behaved in a suspicious or disorderly manner;
- Represent a continuing threat to the campus community by having committed serious criminal offense(s) on or off campus.

### **Voluntary Withdrawal from the College**

Students will be allowed to withdraw officially from the College (see Academic Calendar for deadlines) only after they have completed the appropriate form available in the Office of Academic Affairs. To properly withdraw from the College, the student must obtain a 'Request for Withdrawal from Brevard College' form from the Office of Academic Affairs,

secure the appropriate signatures and return the completed request to the Office of Academic Affairs. Refunds are based on the date the student officially begins the withdrawal process with the expectation that the process will be completed in a timely manner. Refunds will only be considered if a student follows the official withdrawal process as stated above. Because withdrawal from the institution affects financial aid eligibility, a student receiving scholarships, grants, or loans to pay for educational expenses, may have to repay some or all of those funds received for that semester, based on federal and state guidelines for that semester. Students withdrawing from the College must leave the campus within 12 hours of withdrawal.

Students who voluntarily withdraw from the College during the withdrawal period will receive grades of W on all courses in which they are enrolled. After the withdrawal period the student will receive the grade earned for the course.