

The Social Code

The Social Code has been established to reflect the mission, vision and values of Brevard College and seeks to develop parameters for student conduct within the contexts of living in a community and learning in and out of the classroom. The Social Code promotes responsible and healthy decisions by students that support the development of the individual and their responsibility to the community.

The Social Code consists of all College Policies (as listed in the Brevard College Catalog and Section 4 of this Handbook) and Community Standards (as listed in Section 8 of this Handbook) as they relate to expectations for students being members of a larger cohesive College community. Since the inclusion of all possible scenarios that may constitute a violation of community standards is nearly impossible, any situation that arises that would prevent students from being successful in their academic pursuits may be considered a violation of the Social Code. In cases of extenuating circumstances, the DOS may make reasonable exceptions to these policies and will ensure that these policies are being applied consistently with sufficient basis and justification for exceptions.

The College may apply sanctions or take other appropriate action when the conduct of individuals or groups on or off campus directly or significantly interferes with the freedom to teach and learn, the safety and health of persons in the community, the maintenance or protection of property, the provision of living accommodations and other services, and the sponsoring of non-classroom activities such as lectures, concerts, athletic events, and social functions. Counseling, guidance, education, and restorative justice are the preferred means for resolving behavior problems. However, depending on the nature and severity of the behavior disciplinary proceedings may also play an important role in resolving such problems. Violation of the Social Code may result in disciplinary action up to and including suspension or expulsion as described more fully below.

There will be times when individual students, both on and off campus, may be in critical need of assistance from medical or other professional personnel. Brevard College expects that these students will seek help and that other students will respond to obtain the help that their fellow student needs. Brevard College wants to minimize any hesitation that students might have in obtaining help due to concern that their own behavior might be a violation of College policy. In other words, a student should always seek appropriate professional assistance in times when such help is needed without fear or intimidation of "getting in trouble" with the College. In these instances, the College will take into consideration the positive impact of reporting an incident on the welfare of students when determining the appropriate response for policy violations by the reporter of the incident. Any possible negative consequences for the reporter of the problem should be weighed against the possible negative consequences for the student who needs intervention.

Social Code Definitions, Authority, and Jurisdiction

Definitions

- "College" means Brevard College located in Brevard, North Carolina.
- "Student" includes all persons enrolled and taking courses at the College and persons who have a continuing relationship with the College or who have been notified of their acceptance for admission.
- "Faculty," "Instructor," or "Professor" means any person hired by the College to conduct classroom or teaching activities.
- "College Official" includes any person employed by the College performing assigned administrative or professional responsibilities (including student staff members acting within the responsibilities of their job description and duties).
- "DOS" means Dean of Students; "DRL" means Director of Residence Life; "HD" means Hall Director; "RA" means Resident Advisor
- "Member" of the College community includes any person who is a student, faculty member, "College Official" or any other person employed by the College.
- "Premises" or "Property" includes all land, facilities, and other property in the possession of or owned, used, or controlled by the College.
- "Organization" or "Club" means any number of persons who have complied with the formal requirements for College recognition as a club/organization as well as athletic teams (this may be through SGA, an academic department, or through recognition by the Board of Trustees).

- “Social Code Review Conference,” “Social Code Review Board,” “Social Code Appeal Board,” means any person or persons authorized by the DOS to determine whether a student has violated the Social Code and can recommend sanctions or handle appeals procedures. A “Board” can also be one or more persons acting within the authority of a board’s jurisdiction as outlined in the Social Code Review Process.
- “Appeal” refers to the right to have the decision and/or sanction of the original hearing body considered by the Social Code Appeal Board as outlined in the Social Code Review Process.
- “Shall” is used in the imperative sense; “May” is used in the permissive sense.
- “Policy” refers to written regulations of the College as found in, but not limited to, the Social Code, the Student Handbook, the Brevard College Catalog, and any other publication made available by a department on campus.
- “Complainant” or “Victim” is any person submitting a charge against a student for violating the Social Code.
- “Accused” and “Offender” means any student or group accused of violating the Social Code.
- “Notice” refers to information related to an incident or the Social Code Review Process that is mailed or hand delivered to the student(s) involved.

Authority

- The DOS is responsible for the administration of the Social Code.
- The DOS shall designate an official to administer the Social Code.
- The DOS shall develop policies for the administration of the Social Code system and procedural rules for the Social Code Review and Appeal Process.
- The DOS shall determine the composition of the Social Code Review Conference; Social Code Review Board; and Social Code Appeal Board authorized to hear cases.
- Decisions made by the HD, DOS, or Social Code Review Board are appealable as outlined in the Social Code Review Process.
- Decisions made by the Social Code Appeal Board are final and binding.

Jurisdiction

The Social Code applies to all students and student clubs/organizations and primarily prohibits misconduct on College property; however, it may address off-campus conduct when the behavior or the continued presence of the individual, in the College’s sole judgment, impairs, obstructs, or interferes with the mission, processes, or functions of Brevard College. Students should be aware that Brevard College reserves the right to review and take disciplinary actions based on conduct occurring off campus and/or between academic periods. The Social Code also applies to any person who has graduated if the College determines that his/her graduation or receipt of credit may involve misconduct while he/she was working toward a degree (in such cases, degree revocation may be a sanction).

Interim Suspension, Administrative Withdrawal, Behavioral Contracts, and Pending Action

Interim Suspension and Administrative Withdrawal

There are times when a student’s actions may need to be addressed immediately for the safety and security of the College community as well as for the student him/herself. Many times these incidents involve civil or criminal situations in which the student(s) have been determined to be a threat to either themselves and/or to others and there is a need to remove the student(s) from the College to reduce the level of threat to the College safety and security.

In matters of civil or criminal incidents, a student’s actions may violate civil or criminal laws as well as being deemed a violation of the Social Code. In such situations, that student may be held accountable by outside authorities and face College sanctions. The College may, at its sole discretion, elect to pursue disciplinary action against a student even if criminal charges involving the same incident are pending, have been dismissed, reduced, or resolved. However, just because a student is involved in such circumstances does not necessarily constitute that they are a threat to the College or themselves.

As a general rule, it is in the College’s interest to resolve disciplinary matters as soon as possible. The College considers that the more serious the alleged violation, the more pressing the need for timely action be taken. However, the College may agree to delay its procedures for a limited period of time if law enforcement officials demonstrate to the College that College procedures will harm their investigation or process in a specific case.

In all matters related to College safety and security, the DOS will determine if the student(s) involved pose an immediate threat to the health and safety of the campus community. If the DOS determines that a threat is present, the student(s) may be temporarily suspended (referred to as "Interim Suspension") pending the outcome of further investigation by the College and/or law enforcement. During an Interim Suspension, the student(s) are to leave campus immediately; cannot attend class, campus activities, programs, or athletics; and are not entitled to any refund for time away from campus while on Interim Suspension. Additionally, students who are suspended under this condition will not be allowed on campus without the approval of the DOS. Upon completion of further investigation, the student will be instructed as to their status and further proceedings to be completed (if any) to be considered in good standing.

Aside from civil/criminal incidents, students are also responsible for conducting themselves in a manner that is not violent or disruptive. Any behavior that may threaten the well-being of other students, or is disruptive to the success of other students, will be dealt with in a sensitive and appropriate manner. When, in the judgment of appropriate College Officials (as defined by the DOS), a student's behavior constitutes a disruption or danger to the living/learning environment which the College seeks to create, the DOS will intervene and investigate as appropriate (as outlined in the next paragraph). The term disruptive or dangerous behavior includes any behavior that points to the potential of imminent, foreseeable or existing danger to self, other student(s) or other member(s) of the College community (but can also include disruption to the point that makes it difficult for other students to continue at the College in a successful manner).

When a student's behavior is perceived to be dangerous or disruptive to self or to other members of the College community the matter should be referred to the DOS. The DOS will review the situation in consultation with Counseling Services (who may also be asked to meet with the student) and/or other professional staff as needed. The DOS may require the student to undergo evaluation by an outside mental health or medical professional. A student referred for outside evaluation will be required to sign a release of information authorizing Counseling Services to access the evaluation results and to allow Counseling Services to discuss these results with the DOS and other professional staff at the College as needed. If the student poses an ongoing danger or disruption to self or the College community, the student may be administratively withdrawn from classes and/or campus housing. In order for the student to remain enrolled in school the student must adhere to the stipulations determined by the College. The student will be responsible for paying for the cost of any off-campus treatment, including the evaluation. The DOS may also notify the student's emergency contact person at any point in cases of disruptive or dangerous behavior.

Behavioral Contracts

In the event of a student concern (as outlined in the preceding section) where his/her behavior is perceived to be dangerous or disruptive and the DOS finds that the student does not need to be administratively withdrawn, suspended, or expelled, there still may be a need to impose a behavioral contract upon the student for him/her to remain at the College. Behavioral contracts, by their nature, should outline the behavior that the College is concerned with specific considerations of what the student needs to do to rectify any potential problems. With this, considerations will normally be given to timeframe, duration, as well as ramifications for the student breaking the contract. In general, a behavioral contract that is not followed will most likely result in the student being suspended or expelled from the College. The DOS, along with any other consultants from faculty/staff, will administer and enforce the behavioral contract and will follow-up with the student either upon successful completion of following the contracts parameters or in the event the behavioral contract is not followed and further action is needed. The DOS is the final authority on all behavioral contract decisions and the behavioral contract falls outside of the Social Code Review Process (although a Social Code Review Board may institute a behavioral contract as part of its sanction. In these cases the DOS needs to be consulted and the ability to appeal the behavioral contract to the Social Code Appeals Board is still allowed).

Pending Disciplinary Action

Should a student be academically dismissed or withdrawn from the College before pending Social Code charges have been resolved, the DOS may proceed with the Social Code Review Process according to the procedures outlined. A disciplinary hold on the student's records, including future registration, and the granting of a degree may be imposed until the charge has been resolved and/or sanctions completed.

A student who has a Social Code charge pending at the end of the academic semester may have a disciplinary hold placed on his/her record, including the posting of grades and the granting of a degree until the Social Code charge has been resolved and/or sanctions completed.

Notifications

Notification to Students

Students who have been charged with allegedly violating the Social Code will be notified via email to meet with the CD for a Community Director Conference, DOS for a Social Code Review Conference, and/or with a Social Code Review Board to discuss the situation and Social Code Review Process (if needed).

Notification to Parents/Guardians

The College realizes the concern that parents/guardians hold for the total development of a son or a daughter. In recognition of that interest, the College expects that students will initiate communication with their parents/guardians when enrollment is threatened or discontinued, or when circumstances exist that seriously jeopardize the student. When deemed necessary and to the extent allowed under the Family Education Rights & Privacy Act ("FERPA") and other applicable law, a representative of the College may communicate with parents/guardians in relation to: discontinuation of enrollment; alleged violation of a College regulation that may result in Suspension/Expulsion; Disciplinary Probation with sanctions; where drugs and/or alcohol is involved; absence from campus when there is concern about the student's well-being; serious physical or mental health issues; and/or when deemed necessary.

In October 1998, Congress passed the Higher Education Amendment which permits post-secondary institutions to disclose to parents or legal guardians of students under 21, without their consent, information regarding the student's violation of any federal, state, or local law, or any rule or policy of the institution governing the use or possession of alcohol or a controlled substance. The College informs parents/guardians of any alcohol violation involving students under 21 beginning with the second offense, but reserves the right to inform parents/guardians on a first offense if there are extenuating circumstances that might compound the well being of the student. Parents/guardians of those under 21 may also be notified in drug violation incidents.

Notification to Others

Brevard College believes in the holistic development of the student, and in fulfillment of this philosophy, since the Social Code Review Process is meant to be educational, there are times when those with a "need to know" are notified about a student's alleged involvement in a violation of the Social Code. This "need to know" is extended to Administrators, Faculty (notably Advisors), Coaches, and Counseling/Medical/Housing Staff depending on the circumstance and to the extent allowed by FERPA and applicable law. It is the hope of involving these other members that the College can work with the student(s) involved to reduce any barriers to their being successful at the College.

Disciplinary Records

Student disciplinary records will be maintained in keeping with the Federal Family Educational Rights and Privacy Act of 1974 (FERPA) and subsequent amendments and the guidelines for implementation. All disciplinary records are kept confidential except in the cases of crimes of violence when the victim may be informed or as otherwise required by law. Other College Officials may be notified when appropriate. Application to another school is considered to be permission to send disciplinary records to that school since most Colleges require this information before admitting a transfer student.

The record of disciplinary actions will be kept in the Campus Life Office. Disciplinary records are maintained for a period of seven years from the date of the last disciplinary decision if the student is no longer enrolled at the College and then destroyed except in cases of expulsion. Information regarding a student's disciplinary record is available to persons or offices internal to the College who have a "demonstrated need to know." Disclosure of disciplinary records to entities outside of the College generally requires a written release from the student although there are exceptions to this. For more information, please visit the Campus Life Office in Coltrane.

In situations involving both a Respondent Student(s) (or group or organization) and a student claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both parties because the educational career and chances of success in the College of each may be impacted. This provision allows for alleged victims/complainants to participate in the hearing process and be informed of the determination and sanctions imposed, if any. In addition, at the victim's request, be informed (to the extent permitted by law) of the impending return of the respondent student to campus, if the conditions of the suspension were met prior to the victim's departure/graduation from campus.

Social Code Review Process

This section sets forth the procedures that apply when a student is charged with an alleged violation of the Social Code. While the Social Code Review system at this College does incorporate some principles associated with the legal system, it is fundamentally an administrative review process and should not be compared to the system of resolution offered in the courts. The College's responsibility is to provide a safe environment for the members of this community, to educate students about appropriate conduct, and to provide a fair resolution process. Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.

In general, it should be noted that all standards of the Social Code are created equal. That is, a violation of one standard is equal to a violation of another standard. Furthermore, regardless of whether someone is merely a bystander or a very active participant, the violation of the standard is a violation of the Code and thus all violations are created equal. This concludes with the concept that all sanctions should take into consideration the degree of incident and nature of the participants. This is where there is some flexibility allowed (and encouraged).

Social Code Review Process (In Steps)

All Social Code Review Process procedures are initiated with an incident report. Incident reports are directed to the DRL who will direct it through the Social Code Review Process as appropriate. Generally, if a student is charged with violating the Social Code in an incident that occurred in a residence hall, the student will either be directed to a HD Conference or will meet with the Social Code Review Board; if the incident occurred outside of the residence hall or outside of the College Campus, the student will be directed to a Social Code Review Conference.

The Accused will receive notification of their alleged violation(s) via email at his/her Brevard College email address and the email will include the standards allegedly violated (charges) and instructions on the meeting to follow.

Students charged with violating the Social Code will be directed to meet for a Social Code Review Conference, HD Conference, or Social Code Review Board at the scheduled time on the notice. If the student fails to attend, the DOS, CD, or Social Code Review Board will determine the outcome without the student's input.

Once a student receives the notification with the scheduled meeting, they have the right to request a rescheduled hearing. If the meeting is scheduled during a class, it is the responsibility of the student to ask for a reschedule.

Students have fundamental rights at Brevard College and these rights shall always be considered throughout this Social Code Review Process. These rights are a student's due process rights and will be covered during the meeting.

Accused Student Rights

Students whose conduct is under review based on an alleged violation of the Social Code have the following rights:

- Written notice of the charges against them;
- To be presumed "not in violation" until found to be "in violation";
- To respond to the evidence, to question and/or present witnesses;
- To have access to the Student Handbook;
- To have a faculty/staff advisor present but who will not address the DOS, CD, or Social Code Review Board;
- To be heard as a group (if applicable) if all members of the group agree to be heard as a group;
- To appeal any decision as described in the appeals procedures for the Social Code (as applicable).

Complainant Student Rights

Students who accuse other students of violating the Social Code have the following rights:

- To file charges through Campus Life (DOS, Security, Housing);
- To pursue legal criminal or civil charges where applicable (without College assistance);
- To receive an explanation of the applicable charges from Campus Life;
- To an explanation of the procedural alternatives available for bringing charges against a student;
- To have all formal complaints investigated by Campus Security and/or the DOS;
- To receive contact and referral information from staff in Campus Life for College-based support services;
- To be free from harassment, intimidation and retaliation from Accused students or other College members;
- To testify at the Social Code Review Process and to know the results of the process to the extent allowed; and

- To question witnesses through the DOS, HD, or the Social Code Review Board.

Responsibilities of Complainants, Accused, and Witnesses

Participants in the Social Code Review Process have the following responsibilities:

- To know and adhere to the Social Code ;
- To be honest and complete in all information they provide in this process;
- To check their Brevard College email regularly for written notices of charges and other College information;
- To attend all meetings, conferences, or hearings in a timely fashion;
- For Accused, to complete any imposed sanctions on time and consistent with the decision in their case;
- To participate in a manner that is civil and respectful; and
- To prepare and present their case and secure the presence of any witnesses who will speak on their behalf.

HD Conference, Social Code Review Conference, and Social Code Review Board

A student charged with violating the Social Code may be referred to one of three types of resolution hearings—CD Conference, Social Code Review Conference, or Social Code Review Board. Each is designed to attain a resolution to the alleged incident and violation of the Social Code through different measures. An explanation of each is below.

Social Code Review Processes will be decided on the burden of proof standard of a preponderance of the evidence. In other words, the determination made is on whether it is more likely than not that there has been a violation.

HD Conference

A HD Conference will generally occur when an incident happens in a residence hall and the student(s) involved are not repeat offenders of the Social Code. Some discretion will be used in considering when these conferences are utilized over the Social Code Review Board. The HD can give any sanction except Behavioral Contracts, Disciplinary Probation, and/or Suspension/Expulsion. All appeals of sanctions in these types of conferences will be directed to the DOS.

Social Code Review Conference

A Social Code Review Conference will normally occur when the incident happens off-campus and/or in a non-residential area of campus. The Social Code Review Conference is designed to provide an opportunity for the student(s) involved in an incident to have an open discussion with the DOS or designate regarding their involvement.

The DOS or designate can give any sanction during a Social Code Review Conference and a student can appeal the sanctions (except in the situation where Administrative Withdrawal, failure to comply with referral/treatment, and/or the Behavioral Contract has been violated and Suspension/Expulsion has been administered as the sanction) by appealing to the Social Code Appeal Board. The DOS will direct the student on how to proceed with appeals of this nature.

Social Code Review Board

The Social Code Review Board consists of a four members of the SRB. The SCD will “chair” the hearing and his/her role is:

- Present charges/evidence to Accused;
- Introduce members of the Social Code Review Board;
- Call in witnesses;
- Maintain order in the proceedings;
- Read the finding and sanctions (if applicable) to the Accused; and
- Answer any procedural questions that might arise.

The Social Code Review Board can give any sanction. A student can appeal the Social Code Review Board’s decision and all appeals from the Social Code Review Board go to the DOS. The Social Code Review Board will direct the student on how to proceed with appeals of this nature. For more on appeals, see section entitled “appeals.”

No member of a Social Code Review Board who was involved in the incident and/or who has a conflict of interest shall participate in the hearing. In the event of a conflict of interest, an alternate member shall be asked to serve. In the event there are multiple conflicts of interest amongst members, the DOS will choose a random student to serve on the Social Code Review Board who is in good judicial and academic standing with the College.

HD Conference, Social Code Review Conference, and Social Code Review Board Protocols

Regardless of whether a student participates in a Social Code Review Conference, or a Social Code Review Board, the protocols for each hearing are the same as follows:

- Accused shall receive written notice of the specific charge(s) at least twenty-four hours prior to the scheduled hearing. This notice will be sent to the Brevard College email address of the Accused.
- If the Accused fails to appear after proper notice, the evidence against the Accused will be considered and a decision will be based on that evidence.
- Accused shall have their due process rights reviewed with them.
- Accused shall have an opportunity to respond to the evidence and to call appropriate and relevant witnesses. It is important to note that witnesses can only be present during the time they are providing testimony relevant to the situation and not for the purpose of providing character testimony on behalf of the Accused.
- Accused may not decline to answer questions and in the event the Accused refuses, the DOS, HD, and/or Social Code Review Board will take that failure to answer into consideration.
- Accused shall have an opportunity to be accompanied by a faculty or staff advisor, who may not participate in the hearing unless requested to do so by the HD, DOS, or by the chair of the Social Code Review Board. Advisors are allowed for the purpose of counseling the Accused, not for the purpose of representing them. Legal counsel may not be present at any meeting with a CD, Social Code Review Conference, or Social Code Review Board hearing.
- The decision to hold an Accused accountable for alleged acts will be based on whether the Accused, in the opinion of the DOS, CD, or Social Code Review Board, more likely than not engaged in the alleged act or committed the alleged violation.

The decision and sanctions, if any, shall be given to the Accused in writing (to the Accused's Brevard College email address) and shall be supported by the evidence. An oral decision may be given at the end of the hearing, but no later than twenty-four (24) hours after the end of the hearing, and the written decision shall be provided to the student no later than three (3) business days from the oral decision. To appeal, an Accused must follow the directives in the written decision within the timeframe outlined.

Outcome of Conferences and Boards

After all testimony and information has been shared, the DOS, or Social Code Review Board will render a decision on whether the student is "in violation" or "not in violation" of the charges presented. If the student is found "not in violation," the matter is closed. If the student is found "in violation," sanctions may be imposed.

Students will be notified in writing of the decision which will include the following:

- Whether the student is "not in violation" or "in violation" of the Social Code
- If the student is found "in violation," the sanctions imposed, if any
- If applicable, the deadlines for completion of those sanctions
- Instructions concerning the student's right to appeal

If sanctions that include Suspension/Expulsion are imposed, the student found "in violation" may appeal the decision within three (3) days after receiving the written notification by submitting an appeal in writing (through email) to the DOS who will either meet with the student(s) (if the appeal is coming from a Social Code Review Board) or will direct it to the Social Code Appeal Board (if the appeal is coming from a Social Code Review Conference). After three (3) days of receiving the written notice of the sanctions, there is no further ability to appeal and the sanctions will go on the student's record to be completed in the time assigned.

Once the student successfully completes imposed sanctions the matter is closed, and it becomes part of the student's Judicial Record. A student's Judicial Record will be taken into consideration when future sanctions are considered.

Repeat offenses of the Social Code may result in more serious sanctions including the possibility of Suspension and/or Expulsion.

The HD Conference, Social Code Review Conference, or Social Code Review Board may accommodate concerns for the personal safety, well-being, or fears of those involved in the Social Code Review Board proceedings.

Sanctions

Disciplinary sanctions for violation of the Social Code may be determined by existing policies, procedures, or may be designed through the hearing that adjudicated the case. Once specific sanctions are determined, they will be imposed. Sanctions shall be imposed for four purposes:

- To compensate the community for harm incurred;
- To protect the College community by deterring subsequent violations;
- To help the student become a positive contributor to the quality of life on campus; and/or
- To support the growth and development of students.

Certain sanctions are codified and cannot be altered; others are more open in order to address the nature and severity of the specific violation. This listing is offered to help students understand the types of sanctions which might be used.

Behavioral Contract

Students with repeated violations (or a single serious violation) of the Social Code may be required to sign a Behavioral Contract with the DOS as a condition of continued enrollment at Brevard College. This contract will specify behaviors required of the student, and violation of the contract may lead to Suspension/Expulsion (in these instances, there is no ability to appeal the decision).

Censure

A formal notice that becomes part of the Judicial Record noting the student violated the Social Code.

Disciplinary Advising Conference/Workshop

The student will be required to meet with the DOS for the purpose of assisting the student in understanding the nature of the infraction, and to discuss strategies to avoid repeating the infraction. This meeting may be held individually or as part of a group in which the purpose is to have discussions about the Social Code and its importance.

Disciplinary Probation

Students may be placed on Disciplinary Probation for a serious offense or repeated offenses. The conditions of the probation will be specified in a letter to the student and may be specified in a letter to the student's parents/guardians. Failure to comply with the conditions of the probation may result in the student being Suspended or Expelled from the College (as determined by the DOS). Additionally students placed on Disciplinary Probation may be prohibited from representing the College in any group that officially represents the College in any capacity.

When a student is placed on Disciplinary Probation, students must not have any further violations for a six month period or they will need to meet with the DOS. At that time, the DOS will discuss the alleged violations of the Disciplinary Probation terms. If the student is found in violation of the charges as determined by the DOS, he/she has technically violated the terms of their Disciplinary Probation.

Education

Designed to help the student learn about how his/her actions affected their personal development and/or the College.

Referral for Evaluation/Required Treatment

Upon review of an infraction or pattern of infractions, the DOS may require a medical, mental health or substance abuse evaluation by an outside agency. This evaluation may be a requirement for continued enrollment and it will be at the student's expense. Although the DOS must approve of the agency or individual providing the evaluation, the student may select any recognized and appropriately licensed individual or agency. This evaluation must be released to the DOS. Following a referral for evaluation, the DOS may require that the student participate in any recommended treatment as outlined in the evaluation. Failure to comply with directives for referrals for evaluation or treatment may result in the student being Suspended/Expelled by the DOS. In these situations where Suspension/Expulsion occurs due to failure to comply, there is no ability to appeal the Suspension/Expulsion decision.

Restitution

The student shall be required to reimburse the College or an individual for expenses resulting from misconduct.

Restriction of Privileges

The student shall be informed that he/she will be denied certain campus privileges for a stated period of time.

Restorative Justice

Restorative Justice is driven by the philosophy that it can help people understand the harm that can be caused in a situation and the obligations that result; that it is concerned with the needs and interest of the Complainant/Victim but also encouraging of the Accused/Offender to understand and take responsibility for causing harm. Restorative Justice is generally successful in these types of situations because it involves dialogue between the Complainant/Victim and the Accused/Offender as well as the community at large in promoting personal and community healing. Restorative Justice can alleviate tensions, mediate situations, and/or seek resolution in matters where there is disagreement. The Center for Dialogue will generally conduct these sessions and all expenses will be incurred by the Accused/Offender.

Suspension or Expulsion from the College

Students who are Suspended/Expelled shall be given formal notice in writing by the DOS. The DOS shall specify either immediate or delayed Suspension/Expulsion (such as at the end of the semester). Appeals of Suspension/Expulsion from a Social Code Review Board are directed to the DOS. Appeals of Suspension/Expulsion from a Social Code Review Conference are directed to the Social Code Appeal Board (except in situations where Student Conduct Contracts, Administrative Withdrawals, or for failure to comply with referrals/treatments lead to the Suspension/Expulsion as these situations are not appealable).

In the case of Suspension, the student shall be notified by the DOS when he/she may reapply for readmission. If the student is Expelled from the College he/she will not be allowed to apply for readmission at any time.

On the date that a student's Suspension/Expulsion becomes effective, the student shall be required to leave the campus immediately (unless specified otherwise), and remain off the Campus property during the period of the Suspension/Expulsion (unless specified otherwise). Any student Suspended or Expelled may also be restricted from attending Brevard College sponsored events. Students who are Suspended/Expelled are not entitled to refunds or grade adjustments.

Any student that is Suspended or Expelled must begin the withdrawal process through the Academic Dean's office and must abide by the withdrawal policy as presented in the College Handbook. For more information related to finances and/or financial aid effects please see these respective offices.

If a student is readmitted following Suspension, he or she will be placed on Disciplinary Probation for the semester immediately following his or her return to campus.

Codified Sanctions

The College has determined that sanctions relating to certain policies be codified to give students, the HD Conference, the Social Code Review Conference, the Social Code Review Board, and the Social Code Appeals Board guidelines for sanctions involving certain behaviors/actions. It is important to note that the sanctions listed represent the minimum sanction that can be imposed for certain violations of the Social Code. The below list is simply a list of guidelines. Extenuating circumstances and the nature and severity of a violation, regardless of whether it is a first-time or repeat violation, may allow for further or higher level sanctioning within the discretion of the hearing body. Also, the totality of a student's Judicial Record will be taken into account when sanctioning is administered.

First Time Violation

Once informal warnings have been administered (for example, if a residential student has been approached about being noisy in the residence hall, he/she may be informally warned by an RA), the first documented charge of violating the Social Code will be directed through the Social Code Review Process. If the student is found in violation, the student will receive a minimum sanction of Censure.

Second Time Violation (Repeat Offense)

If the second time violation is a repeat offense violation, the minimum sanction is an Educational Sanction along with the student being placed on Disciplinary Probation.

Second Time Violation (Non-Repeat Offense)

If the second time violation is not a repeat offense violation, the minimum sanction is Censure.

Third Time Violation (Repeat Offense)

If the third time violation is a third time repeat offense violation, the minimum sanction is Disciplinary Probation and/or Suspension/Expulsion (if the student is currently on Disciplinary Probation).

If the third time violation is a second time repeat offense violation, the minimum sanction is an Educational Sanction along with the student being placed on Disciplinary Probation.

Third Time Violation (Non-Repeat Offense)

If the third time violation is not a repeat offense violation, the minimum sanction is Censure.

Fourth Time Violation

Once a student has violated the Social Code four times, even if all four violations stem from separate policy violations (meaning non-repeat offenses), it is the College's belief that a student needs more intervention than a formal warning. Thus, there is more latitude given to the Social Code Review Board and/or Social Code Review Conference. In these cases, the CD Conference should not be an option due to the nature of the Judicial Records at this level.

Recommended Sanctions for Certain Policy Violations

As should be the case with all sanctioning, it is highly recommended that the purpose of sanctions is to be educational in nature for the student's growth and development. However, there are times when the best education rests in more serious sanctions being delivered. These are some guidelines to assist in understanding the sanctioning philosophy.

Violations where Damages Occur

In situations where damages occur, if the student is found in violation, it is recommended that restitution is made.

Violations of the Alcohol and Drug Policy

In situations where the alcohol and/or drug policy are repeatedly violated and/or if the violation is of a detrimental nature to the student (or others), it is recommended that a Referral for Evaluation be made and/or that Disciplinary Advising be administered so the student can discuss the ramifications of alcohol use and abuse.

*Note—for each year that a student goes without being found in violation of the Alcohol Policy, they will move down to a lower violation status. For example, if a student picks up two Alcohol Policy Violations in their first year of College but then go their second year without an Alcohol Policy Violation, they will move from level two back to level one. If the student goes yet another year without an Alcohol Policy Violation, they will move back to no level. All Alcohol Policy Violations will remain in their Judicial Record regardless of level attained or removed.

Violations of Harassment, Assault, and/or Threat of Assault

If a student violates a policy where there is harassment, assault, and/or threat of assault, it is highly recommended that one of the following sanction considerations be made:

- Referral for Evaluation
- Behavioral Contract

Violations of Weapons Policy

If a student is found in violation of the weapon policy, it is highly recommended that the student be Suspended/Expelled unless there are mitigating circumstances that would cause for the sanction to be reconsidered.

Failure to Complete Sanctions

Failure to complete sanctions will result in the student being placed on Disciplinary Probation for a period of up to six months. At that time the student may be required to complete the sanctions and will be directed to do so by the DOS.

If a student is already on Disciplinary Probation and fails to comply with the sanctions, the student will need to meet with the DOS immediately. Upon this meeting, the DOS can either modify the student's Disciplinary Probation (given that there may be circumstances or misunderstandings that prevented the student from completing their sanctions) or can Suspend/Expel the student. In this situation, Suspension/Expulsion sanctions are not appealable.

If the student meets with the DOS and is given modifications to their Disciplinary Probation and still fails to comply with the DOS directives the student will be Suspended/Expelled for a period of at least one semester. There are no appeals of this decision.

If a student fails to meet with the DOS at any time after being directed to do so while on Disciplinary Probation, it will result in the student being Suspended/Expelled from the College and the decision is not appealable.

Appeals

All sanctions administered by the Social Code Review Conference are appealable to the Social Code Appeal Board. All sanctions administered by the HD Conference or the Social Code Review Board are appealable to the DOS. To appeal a decision, the student must submit his/her appeal in writing (via email) to the DOS within three days of receiving the sanction decision. The DOS will either present the appeal to the Social Code Appeal Board for review and/or will review the appeal directly. After reviewing the record and if need be, seeking clarification from the DOS or Social Code Review Board that heard the case, a written decision will be given to the student. The decision of the Social Code Appeal Board or the DOS on appeal is final.

Grounds for Appeal

An appeal shall be limited to review of the record of the initial hearing or initial appeal and supporting documents for one or more of the following purposes:

- To determine whether the original hearing was conducted in conformity with prescribed processes and procedures
- To consider new, after acquired information, sufficient to alter a decision, because such information and/or facts were not known to the original decision maker(s) at the time of the hearing.
- That the sanction imposed is grossly disproportionate to the violation committed.

Minor Deviations from Procedure

A student and the DOS or the Social Code Review Board may agree in advance to minor deviations from procedure. Such deviations are not then subject to appeal. Other minor deviations are acceptable as long as such deviations are not found upon appeal to be unreasonably harmful or prejudicial to the student.