



Student Handbook

2016 - 2017

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STUDENT HANDBOOK WELCOME

Congratulations on your decision to attend Brevard College. The decision to attend Brevard College is one that will open your minds to ideas, perspectives, and possibilities in ways that can only happen in an environment such as Brevard College. It is our belief that your involvement in campus life is an essential part of your college experience—an integral part of the start of a lifelong journey of exploration, knowledge-seeking, and transformation. We want to partner with you to create an environment where you will discover who you are and what your passions are. Our goal is for you to leave Brevard College a different person than when you arrived. The opportunities will be available and the choice to take full advantage of those opportunities is yours.

The decision to attend Brevard College was the first step to your future. The decision to become completely immersed is what will determine your personal experience. Take advantage of the opportunities that will expand your creative, intellectual, and social actions. These are the things that will assist you in discovering your place in the world and your ability to effect change by becoming an active citizen.

In this handbook you will find information that will assist you during your journey at BC as a student. You will find the many policies and community standards which we have developed to ensure a safe, secure, cohesive community free from distractions that will prevent you from achieving your goals. It is important to become familiar with these guidelines as you may find yourself in a situation of great responsibility and can help others be more aware of what their actions can do to the community we are striving to build.

On behalf of Campus Life at BC, I wish you the best in your pursuits and encourage you find ways to Step in and Stand Out.

Debora “Debbie” D’Anna

Vice President for Campus Life/Dean for Students (At times, referred to as “DFS” throughout this Handbook)

(828) 884-8391

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DISCLAIMER

The Brevard College Student Handbook contains the rules, regulations and policies that establish the official parameters for student life at Brevard College (at times, referred to as the “College” and/or “BC” throughout this Handbook). These standards apply to all Brevard College students. It is the student’s responsibility to be aware of these expectations and conduct themselves accordingly as members of the Brevard College community. All the rules and regulations are in effect for students on and off the campus. Responsible behavior is expected of Brevard College students wherever they may be. Brevard College reserves the right to modify provisions of the Brevard College Student Handbook at any time, whenever it is deemed necessary. Notice of any revision or modification will be given as is reasonably practical under the circumstances.

CIVIL RIGHTS AND EQUAL OPPORTUNITY POLICY

Brevard College is committed to an atmosphere of human dignity in which effective collegial relationships are based on mutual respect. It is the College’s 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, discrimination, harassment, or

other acts of bias relating to one's actual or perceived race, creed, color, religion, sex, gender identity, gender expression, sexual orientation, national or ethnic origin, citizen status, age, disability, veteran's status, or any other legally protected category. The College prohibits such discrimination, harassment, or other acts of bias by its students, faculty, and staff, and is committed to upholding and enforcing this and related policies in College employment, admissions, educational programs, facilities, and any other College activity or program.

In furtherance of this policy, the College will not permit the use of epithets, innuendos, slurs, jokes, or any other inappropriate or harassing behavior related to a student's or employee's actual or perceived race, creed, color, religion, sex, gender identity, gender expression, sexual orientation, national or ethnic origin, citizen status, age, disability, veteran's status, or any other legally protected category anywhere on campus or at any campus sponsored event. All forms of inappropriate behavior based on the above-listed protected categories are strictly prohibited, whether the behavior is physical, verbal, symbolic, non-verbal, or otherwise communicated or conducted.

The College complies with all applicable federal and North Carolina statutes and regulations prohibiting unlawful discrimination and harassment, and all students, faculty, and staff are expected to uphold and follow this and related policies.¹

REPORTING INCIDENTS

Brevard College encourages anyone who has experienced, witnessed, or has knowledge of violations or potential violations of this policy or of related College policies addressing bias, to report the incident. You may elect to contact:

- Campus Security or Campus Life to request an Incident Report form, which you may fill out and submit to incidentreporting@brevard.edu;
- A member of the Residence Life and Housing staff (Hall Directors, Resident Advisors, or Senior Resident Advisors);
- Law Enforcement (911) if you feel threatened, are in immediate danger, need medical assistance, or need other emergency assistance; and/or
- A Campus Life staff member, directly.

Useful information to provide includes, but may not be limited, to:

- Date of Incident;
- Time of Incident;
- Location of Incident;
- Nature of Bias (actual or perceived race, creed, color, religion, sex, gender identity, gender expression, sexual orientation, national or ethnic origin, citizen status, age, disability, veteran's status, or other) ;
- Nature of the Incident (Physical Harassment or Assault, Phone Harassment, Verbal Harassment, Written/Email/Online Harassment, Graffiti, Intimidation, Vandalism, Bullying, Property Damage, Hostile Environment, Other) ;
- Description of Incident; and
- Contact Information (Name, Phone, and Email) if you are willing to be contacted for further information/questions.

¹ Within this student handbook, prohibited discrimination and harassment are also discussed in the "Community Standards" and "Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence" sections. The latter section addresses discrimination, harassment, and/or other types of incidents that are based on gender, gender identity, and/or gender expression, or that are based on sex or are sexual in nature, as well as stalking behavior and dating, domestic, and intimate partner violence.

To report discrimination, harassment, and/or other types of incidents that are based on gender, gender identity, and/or gender expression, or that are based on sex or are sexual in nature, or to report stalking behavior or dating, domestic, or intimate partner violence, please see reporting procedures under the [Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence](#) section of this handbook.

For complaints involving discrimination or harassment within employment, individuals may elect to pursue charges with the federal Equal Opportunity Employment Commission (“EEOC”). It is unlawful to retaliate against any employee for opposing the practices prohibited by federal law or for filing a complaint with, or for otherwise participating in an investigation, proceeding, or hearing conducted by, the EEOC.

Brevard College consists of seven administrative areas of campus: Academic Affairs, Admissions & Financial Aid, Athletics, Business & Finance, Campus Life, Philanthropic Development, and the President's Office. These areas are overseen by an administrator who serves on the President's Cabinet and is considered part of the senior administration of the College. A list of each administrative unit is listed below with the administrator in parentheses. Below each administrative area is a bulleted list of administrative units within that area, including information on items handled by each office. Website links are also provided throughout the document for quick reference.

ACADEMIC AFFAIRS

(Dr. Scott Sheffield, Dean of the Faculty and Vice President for Academic Affairs, sheffields@brevard.edu)

Each academic division has faculty (with offices in various locations across campus) who not only instruct but also serve as academic advisors. Additionally, other academic support services are listed.

- Academic Calendar—Please refer to the following website for the full academic calendar. (www.brevard.edu/Academics)
- Academic Divisions—Please refer to the website of academic majors to learn more about each major, see faculty profiles and office locations, etc. (note that faculty offices are generally located in the areas listed below) (www.brevard.edu/Academics)
 - Humanities (McLarty-Goodson)
 - Fine Arts (Dunham, Sims, and/or Porter Center)
 - Social Sciences (McLarty-Goodson, Jones Residence Hall Basement, and/or Beam Administration)
 - Math & Science (Moore Science)
- Academic Enrichment Center (AEC)—Please refer to the AEC website for hours and services. (www.brevard.edu/academics/aec)
- Office for Career Exploration and Development (Career Services, Major Exploration, Study Abroad) (www.brevard.edu/academics/career-exploration-development)
- Office for Students with Special Needs and Disabilities (www.brevard.edu/collegelife/disability-services)
- Tutoring Services (www.brevard.edu/academics/aec)
- Brevard College Catalog—Please refer to the website and student portal for full catalog information and resources. (www.brevard.edu/Academics) (my.brevard.edu/ICS/Offices/Registrar)
- Library—Please refer to the Library website for hours, services, and resources. (www.brevard.edu/library)
- Registrar—Please refer to the website and student portal for hours and services (e.g., transcripts, enrollment verification, grades, etc.). (www.brevard.edu/academics/registrar) (my.brevard.edu/ICS/Offices/Registrar)
- Special Programs—Please refer to the website for more information about the Voice of the Rivers Program, Honors Program, and Institute for Women in Leadership (IWIL). (www.brevard.edu/Academics)

ADMISSIONS & FINANCIAL AID

(Chad Holt, Vice President of Admissions & Financial Aid, holtc@brevard.edu)

Please visit the Admissions/Financial Aid website for information on Student Loans, Scholarships, Work Study, and more.

- Admissions (www.brevard.edu/admissions/apply-admission-0)
- Financial Aid (www.brevard.edu/admissions/apply-admission-0)

ATHLETICS

(Juan Mascaro, Vice President of Strategic Planning and Athletics, mascarij@brevard.edu)

Please visit the Athletics website for a full listing of all competitive athletic programs/sports. (www.bctornados.com)

- Administration—Please visit the website for more information on NCAA Athletic Compliance and Eligibility. (www.bctornados.com/page.asp?articleID=87)
- Athletic Training and Sports Medicine—(www.bctornados.com/page.asp?articleID=85)
- Student Athlete Advisory Committee (SAAC)—Please visit the website for more information on getting involved in SAAC as a student leader. (www.bctornados.com/page.asp?articleID=1359)

BUSINESS & FINANCE

(Deborah Hall, Vice President of Business & Finance, dphall@brevard.edu)

- Bookstore—For information on hours, products, and services, please visit www.brevardshop.com.
- Campus Mailroom—Please visit the mailroom in the Coltrane building for information on mailboxes and services.
- Facilities—For more information on Maintenance, Housekeeping, and Grounds Services, please visit the Office of Campus Life (Coltrane) or Business Office (Beam Administration).
- Business Office—Please visit the second floor of the Beam Administration building for information on student accounts, paychecks, tuition management systems, etc.
- Information Technology—For information on technology and related campus services (such as email, the student portal—my.brevard.edu, Sakai, network/internet services, passwords, and software), please visit the Information Technology Department online at: my.brevard.edu/ICS/Offices/Information_Technology
- Campus Security & Safety—For information on Emergency Response, Parking Enforcement and Appeals, Campus Vehicle Driver Certification, etc., please visit the Office of Safety, Security and Risk Management in the Stamey Wellness Center or the Patrol Room in the Jones Residence Hall basement.

CAMPUS LIFE

(Debbie D’Anna, Vice President for Campus Life/Dean for Students, dannadl@brevard.edu)

Campus Life offices are located in Coltrane (Dean’s Office, Office of Housing and Residence Life, Office of Student/Civic Engagement, Office of Policies, Procedures, and Student Conduct, Office of the Title IX Coordinator, and Office of Central Scheduling and Events Coordination); Stamey Wellness Center (Office of Safety, Security, and Risk Management, Office of Medical Services, Office of Counseling Services, and Office of the College Minister); and Myers Dining Hall (Office of Dining Services and Catering). Visit Campus Life online at www.brevard.edu/LifeatBC & my.brevard.edu/ICS/Offices/Campus_Life.

- Counseling Services—Please visit Stamey Wellness Center for access to and information on Counseling Services, Mental Health Support, Mediation Services, Off-Campus Referrals, etc.
- Dining Services—For more information on dining services, facilities, hours of operation, meal plans, etc., visit the Office of Campus Life and/or Office of Dining Services and Catering.
- Housing and Residence Life—For more information on Room Assignments, Room Changes, Maintenance Requests, On/Off Campus Living Criteria, Housing Accommodations, Activities within Residence Halls, Keys/Access, Resident Advisors, etc., please visit the Office of Housing and Residence Life.
- Medical/Health Services—Please visit Stamey Wellness Center for access to and information on Medical/Health Services and Support.

- Multicultural Affairs and Service Initiatives—Please visit the Office of Student/Civic Engagement for information on Multicultural Affairs (Diversity and Inclusion), Service Learning, Volunteer Opportunities, Leadership Scholarship Requirements, etc.
- Student Engagement—For more information on Student Clubs and Organizations, Outdoor Recreation, Intramurals, Student Government, and Other Student Involvement Initiatives/Opportunities, please visit the Office of Student/Civic Engagement and/or Campus Life, generally.
- Spiritual Life and Support—For information on spiritual life and support on and off campus, please visit the Office of the College Minister.
- Campus Services—Please visit the Office of Campus Life for general administrative services, such as Parking, ID Services, Immunizations, Fine Appeals (other than Parking), etc.
- Student Conduct, Policies, and Procedures—For information on the Student Handbook, Campus Community Standards, Student Conduct, and General Policies/Procedures (non-academic), please visit the Office of Policies, Procedures, and Student Conduct.
- Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence—For information, reporting, and/or support concerning discrimination, harassment, and/or other types of incidents that are based on gender, gender identity, and/or gender expression, or that are based on sex or are sexual in nature (including, but not limited, to sexual harassment, sexual assault, and sexual misconduct), or concerning stalking behavior or dating, domestic, or intimate partner violence, please visit or contact a Title IX Coordinator (Debbie D’Anna, Campus Life; Deborah Hall, Beam Administration) or Deputy Title IX Coordinator (Michael Cohen, Campus Life). For related Campus Security, Counseling, or Medical/Health Services, please visit Stamey Wellness Center. For related emergency or law enforcement assistance, please contact 911.

PHILANTHROPIC DEVELOPMENT

(Kathryn Holten, Vice President of Philanthropic Development, holtenki@brevard.edu)

For more information on the services/functions below, please visit the Office of Philanthropic Development in the Alumni House or online at www.brevard.edu/alumni.

- Alumni Affairs
- International Student Connections
- Annual Giving, Fundraising, and Contributions
- Grants & Grant-writing

PRESIDENT’S OFFICE

(David Joyce, President, joycedc@brevard.edu)

Please visit Beam Administration or the identified online resources for more information on the following:

- Office of Communications & Media Relations (media, publications, photography, event promotions, press releases, marketing, etc.)—my.brevard.edu/ICS/Offices/Communications
- Board of Trustees
- College Administration, Generally

QUICK REFERENCE GUIDE

The following list of quick references, including office locations and phone numbers, are provided for your convenience.

OFFICE LOCATIONS AND PHONE NUMBERS

Office	Location	Phone
Academic Affairs	Beam Administration	828-884-8312
Academic Enrichment	Coltrane	828-884-8329
Admissions	Beam Administration	828-884-8005
Alumni Affairs	Alumni House	828-884-8165
Athletics	Duplex	828-884-8330
Bookstore	Coltrane	828-884-8184
Business and Finance Office	Beam Administration	828-884-8020
Campus Life	Coltrane	828-884-8025
Career Exploration	Coltrane	828-884-8249
Central Scheduling	Coltrane	828-884-8251
Clubs and Organizations	Coltrane	828-884-8322
Community and Volunteer Services	Coltrane	828-884-8107
Counseling Services	Stamey Wellness Center	828-884-8129
Dining Services	Cafeteria	828-884-8103
Disability Services	Coltrane	828-884-8131
Financial Aid	Beam Administration	828-884-8010
Fine Arts Division	Dunham	828-884-8188
Honors Program	McLarty-Goodson	828-884-8143
Housekeeping	Maintenance	828-884-8279
Housing and Residence Life	Coltrane	828-884-8159
Humanities Division	McLarty-Goodson	828-884-8238
ID Services	Coltrane	828-884-8025
Information Technology	Jones Library Basement	828-884-8303
Intimate Partner Violence, Dating Violence, and Domestic Violence	Coltrane	828-884-8391
Intramurals and Outdoor Recreation	Coltrane	828-884-8322
Library Services	Jones Library	828-884-8268
Mail Room	Coltrane	828-884-8204
Maintenance	Maintenance	828-884-8279
Meal Plans	Coltrane	828-884-8159
Medical Services	Stamey Wellness Center	828-884-8244
Parking and Transportation	Stamey Wellness Center	828-884-8381
Philanthropic Development	Alumni House	828-884-8035
Registrar	Beam Administration	828-884-8015
Science & Math Division	Moore Science	828-884-8164
Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence	Coltrane	828-884-8391
Social Sciences Division	McLarty-Goodson	828-884-8238

Student Accounts	Beam Administration	828-884-8263
Student Activities and Engagement	Coltrane	828-884-8322
Student Conduct	Coltrane	828-884-8366
Student Government Association	Coltrane	828-884-8366
Title IX Coordinator	Coltrane	828-884-8391

CAMPUS SAFETY NUMBERS

Office	Location	Phone
Emergency Services (24 hours/day, 7 days/week)	-----	911
Campus Security (24 hours/day, 7 days/week)	Jones Basement	828-577-9590
Resident Advisors (Dispatched by Campus Security) (9 PM to 7 AM, nightly, while in session)	Residence Halls	828-577-9590

TECHNOLOGY RESOURCES

Visit the Office of Information Technology's website for information on various campus technology resources:
my.brevard.edu/ICS/Offices/Information_Technology/Campus_IT_Resources.jnz

STUDENT FREEDOM, RESPONSIBILITY, AND ACCOUNTABILITY

Brevard College expects students to maintain standards of personal integrity that are consistent with the educational goals of the institution and assume responsibility for their actions.

In the pursuit of knowledge and understanding, students need freedom to inquire and exchange ideas. To insure these freedoms, the College requires a community protective of free inquiry, respectful of the rights of others, and free from threats and intimidation. In exercising freedoms and in discharging the rights and obligations of citizenship, students must also recognize their responsibilities to other individuals, to the College, to governmental bodies, and to society in general. Orderly, dignified expression and conduct are expected at all times. In protection of these freedoms, the College has established standards of personal and group conduct known as the Honor Code and the Social Code. Foundational principles of academic honesty, personal integrity, tolerance, respect for diversity, civility, freedom from violence, and pursuit of lifestyles free of alcohol and drug abuse are examples of these standards.

The College views student conduct as a developmental process (learning experience) that can result in growth, behavioral changes, and personal understanding of one's responsibilities and privileges within the College's environment. To this end, the student conduct processes (Honor Code and Social Code) attempt to balance an understanding and knowledge of students and their needs and rights with the needs and expectations of the College and the larger community. The College student conduct processes utilize a comprehensive array of approaches to support Brevard College values and honor community standards. These include a continuum of responses from disciplinary sanction or restriction to education, counseling, and restorative justice.

Students are treated with care, fairness, tolerance and respect, with decisions made relative to the needs and circumstances of all concerned. The needs of respondents charged with violations, person(s) who report being the victim of another student's actions, and the community, at large, are judged to be equally important. Students at Brevard College may take advantage of the various resources of the College to further their development.

THE HONOR/ACADEMIC INTEGRITY CODES

The Honor Code adopted by the faculty and the SGA serves as an absolute commitment. Dishonesty in any form undermines the efforts to create and maintain an atmosphere in which students can develop a sense of self-worth and establish patterns of personal integrity.

Brevard College expects all members of the College to commit their hearts and minds to this community of learning, to pursue truth with humility, to become wise stewards of the earth, and to live responsibly. By becoming a member of the Brevard College community, students commit themselves to upholding standards for honest and fair dealings with others, as expressed in the following affirmation(s):

Student Affirmation: I agree to respect the integrity, ideas, and property of the College community, fellow students, faculty, and staff, by refraining from acts such as plagiarism, cheating, theft, harassment, and abusive language or behavior. I further agree to abide by the academic policies of the institution as outlined in the College Catalog and the Social Code maintained by the Division of Campus Life and the Honor Council.

ACADEMIC EXPECTATIONS

Attendance at all class, laboratory, or studio sessions is expected of students, and each student is responsible for all work assigned in each course. Students are eligible for course credit and Financial Aid if they attend at least 70% of the class meetings.

Federal regulations require that students attend all registered classes in order to receive Financial Aid. Students who register for courses but do not attend will be reported for non-attendance by College faculty. Students' Financial Aid will be adjusted to reflect their Financial Aid eligibility only for those classes that they attend. The College is required to ensure that students receive Financial Aid only for the courses that they attend and complete.

Students who must miss classes are responsible for discussing absences with faculty in advance of their occurrence or as soon as possible thereafter. The instructor is responsible for determining whether and how students may make up missed class work.

ACADEMIC INTEGRITY

Academic dishonesty can take a variety of forms. Violations include, but are not limited to, the following examples:

- Plagiarism (duplication of wording, concepts, or ideas from any source and submission of the material as one's own work without acknowledging the source by the use of appropriate citations, quotation marks, or both).
- Citing of sources not actually used in the preparation of an assignment (e.g. padding a bibliography).
- Submitting another's work as one's own (e.g. copying or stealing a paper, homework assignment, lab assignment, or other). This may also include submission of a paper or other research purchased from a commercial research firm or accessed via the Internet.
- Collaborating with outside sources or other students on assignments, exams, or other course work when it is not allowed.
- Allowing another student to copy from any assignment or exam.
- Copying another student's exam, in whole or in part.
- Unauthorized use of books, notes, papers, calculators, or other materials or devices during an exam.
- Unauthorized possession of an exam prior to exam date.
- Changing answers after an exam has been returned and submitting it for a re-grade.
- Accessing and altering grades in a grade book.

Because circumstances surrounding reported incidents of suspected dishonesty are unique, the Honor Council evaluates each case on an individual basis.

Instructors may establish penalties for plagiarism or cheating on an individual basis, or may submit cases involving Honor Code infractions for review by the Honor Council. Procedures for Honor Council review are outlined below. In cases of plagiarism or cheating within multi-section/common syllabus courses, faculty, facilitated by the appropriate Program Coordinator, will establish penalties for infractions. Any student having been found guilty of an Honor Code violation who then initiates withdrawal from a course will receive an F and forfeit the right to appeal.

In the event of an instructor's electing to take individual action on an Honor Code infraction, penalties range from a grade of zero on the assignment to exclusion from the class for the rest of the semester and/or a final grade of F in the course. The instructor must provide the student with written and dated documentation describing the incident and penalties imposed, and further submit such documentation through the appropriate Division Chair to the Vice President for Academic Affairs. Such documentation will be kept on file in the Office of Academic Affairs until such time as the student graduates, whereupon the student will be notified of the option to request that such records be destroyed. Faculty members who have reason to suspect a pattern of Honor Code infractions may check this file to determine whether documentation of prior incidents exists. Any student who is involved in more than one incident of plagiarism or cheating is subject to suspension from Brevard College.

If a student wishes to appeal the decision of an instructor regarding incidents of plagiarism or cheating in any form, the student should consult with the Division Chair, normally within five class days of receiving notification from the instructor.

If resolution at that level is not achieved, the student may appeal in writing to the Honor Council, which shall hear the case according to the procedures for Honor Council review outlined below. Within five class days of receipt of the Honor Council's decision, students have the prerogative of appeal, in writing, to the Vice President for Academic Affairs, whose decision is final.

HONOR COUNCIL HEARING

The Honor Council comprises a pool of eight faculty members and twelve students. The faculty members are appointed to the Honor Council by the Vice President for Academic Affairs for a term of one year. One of these faculty members will serve as the Chair, charged with appointing a Hearing Officer and, if needed, an Honor Council Panel for each case brought forward. The twelve student members must be sophomore status. One student representative, appointed by the membership of Omicron Delta Kappa, will serve as Assistant Chair of the Council, with the responsibility for assigning student members to hearing panels. The other students are to be selected by the Office of Academic Affairs. Student representatives serve for one academic year, with the possibility of re-appointment for additional year terms. To be eligible to serve, a student must not be on academic or disciplinary probation of any form, nor have been convicted of any violation of the Honor Code. There must be at least five members (two faculty members and three students) to conduct an Honor Council Panel.

THE HONOR COUNCIL PROCESS

The Honor Council process begins when a student, faculty, or staff member brings an alleged honor code violation to the attention of the Honor Council Chair. The Chair then appoints a Hearing Officer or Honor Council Panel for the case. A Hearing Officer confers with the person presenting the charge and prepares a statement of charge, which may include a sanction recommendation. Anonymous accusations cannot be pursued or admitted for consideration.

The Hearing Officer next confers with the accused individual and takes a statement in the presence of a staff or faculty representative of the student's choice. If the student admits responsibility for the substance of the charge, the Hearing Officer reviews the statements, decides on an appropriate sanction, and informs the two parties involved, the Honor Council Chair, and the Vice President of Academic Affairs of the decision via a written Notice of Action. This shall include an entry: "Violation as Charged; Found Responsible" and in any case where a sanction is imposed, an entry: "Sanction Imposed," which is specified with clarity. Either the accused or accusing party may appeal this decision, whereupon a hearing before an Honor Council Panel will be held.

While meeting with the Hearing Officer, if the student denies or declines to admit responsibility to the substance of the charge, a hearing with an Honor Council Panel will be held. Cases deemed complex may be referred directly to an Honor Council Panel.

The Panel will meet with the student to discuss the case, review all documentation pertaining to the case, and decide on an appropriate sanction. A faculty member from the Panel will inform the two parties involved, the Honor Council Chair, and the Vice President of Academic Affairs, of the decision via a written Notice of Action. This shall include an entry: "Violation as Charged; Found Responsible," and in any case where a sanction is imposed, an entry: "Sanction Imposed," which is specified with clarity.

A student found responsible by an Honor Council Panel has the right to appeal that decision in writing to the Vice President for Academic Affairs, normally within five days of receiving written notice of the decision.

IMPOSING SANCTIONS

- The Honor Council may consider possible sanctions ranging from a failing grade or grade of zero for an assignment to suspension. It should attempt fairly to fit the sanction to the violation seen in total context. The Hearing Officer and Honor Council Panel must consider a suggested sanction from the person initiating the charge. A suggested sanction is informative and non-binding but will be given serious consideration.
- The Hearing Officer/ Honor Council Panel will be provided information about any previous cases in which the person charged received a sanction for violating the Honor Code. Thus, a fairly severe sanction might be appropriately imposed for a relatively minor violation which has been persistently repeated despite formal warning, while a relatively minor sanction might be appropriately imposed for a serious violation where substantial extenuation is shown.
- The sanctions of suspension for a definite time and indefinite suspension, involving loss or interruption of educational opportunity, are appropriate only when the violator's continued membership in the College community is judged to be fundamentally at variance with the integrity of its educational mission or to pose a specific threat to his/her own emotional health or to the minimal internal order of the community.
- Sanctions imposed will not be solely punitive, but also will include provision for academic support services to assist the student charged in dealing with issues that contributed to the student's decision not to uphold the College's standard of academic integrity.
- All notice will be given in writing. Record of the decision reached and sanction imposed will be kept on record in the student's file in the Office of Academic Affairs until such time as the student leaves the institution, at which time, the student may request that such records be destroyed.

RIGHT OF STUDENT FOUND RESPONSIBLE TO REQUEST AN APPEAL

- If the case goes directly to an Honor Council Panel and the person accused is found responsible for the violation of the Honor Code, he/she has the right to appeal the decision. The appeal may be made on the question of responsibility for the violation, not on a question of the severity of the sanction imposed. Appeals may not be made on the basis of mere dissatisfaction with the original decision, but rather on the basis of new evidence pertaining to the original case, or evidence pertaining to abuse of discretion or of due process.
- Intention to appeal by a student found responsible for an Honor Code violation must be filed in writing with the Vice President for Academic Affairs. The Vice President for Academic Affairs shall hear the student's appeal within a reasonable time after receiving the appeal request.
- The Vice President for Academic Affairs will determine his/her own procedure for reaching a decision. However, the appellant must bear the burden of proof in order to warrant a reversal of an Honor Council decision. The decision of the Vice President for Academic Affairs is final. The Vice President for Academic Affairs will notify the appellant in writing when a decision is reached.

GENERAL COLLEGE POLICIES

Please note that while we make all effort to include the 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 policies discussed in this handbook, including the following College Policies, are some of the more significant/substantial, institutional considerations. Some of these may be redundant with information found in the Brevard College Catalog and in later sections of this handbook, such as the Community Standards and Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence sections.

ACADEMIC POLICIES

Please see the College Catalog for current academic policies, such as policies related to grades, academic good standing, academic probation, academic suspension, class conduct, and appealing grades. The Catalog is available online at: my.brevard.edu/ICS/Offices/Registrar/Catalogs

CLASS CANCELLATION

Faculty will have their own communication plan for cancelling classes. Students should be familiar with these policies. In the event that the College closes, please refer to local TV and radio broadcasts, College notifications via the internet (website, intranet, email, social media), and/or College notifications via its alert system. For cancellation due to inclement weather, please refer to the Inclement Weather Policy, below.

CLASS CONDUCT

Please see the College Catalog for current academic policies, such as policies related to grades, academic good standing, academic probation, academic suspension, class conduct, and appealing grades. The Catalog is available online at: my.brevard.edu/ICS/Offices/Registrar/Catalogs

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, student conduct notices, 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 at least once daily, at minimum. In addition, Brevard College students should regularly access personal information (grades, account information, etc.) and general college policies, resources, and information through the student portal (following instructions provided by the IT Department). The student portal is located at my.brevard.edu.

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. Such evaluation may take place at any time. Students should refer to policies throughout the Student Handbook for additional information related to the types of attitudes/behaviors that would be considered detrimental to these ideals and standards. Students directed to withdraw must leave the campus immediately, unless exceptions are provided by the Vice President for Academic Affairs and/or the Vice President for Campus Life/Dean for 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.

DISABILITY SERVICES AND ACCOMMODATIONS

Brevard College is committed to ensuring that no otherwise qualified individual with a disability is excluded from admission to or participation in, subjected to discrimination in connection with, or denied the benefits of any college programs or activities due to his or her disability. Disability Services works to assure that students with disabilities have access to such programs and activities, and to the college's facilities. The College complies with all pertinent state and federal laws – most notably Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act ("ADA") of 1990, and the ADA Amendments Act.

The College's Disability Specialist serves qualified students with disabilities by providing reasonable accommodations, fostering an accessible and hospitable learning environment, and promoting student responsibility and self-advocacy. Students need to be involved in service decisions and request accommodations – often a critical difference between high school and college. The Disability Specialist collaborates with faculty, staff, and administrators in delivering effective access.

STUDENT RESPONSIBILITIES

A student with a disability has the right to request academic and non-academic accommodations, ensuring equal access to courses, course content, programs, services, and facilities. Students are not required to disclose their disability status; however, if they are seeking accommodations relative to their disability, they are responsible for making a written request to the Office of Disability Services and providing the appropriate, current documentation.

To be eligible for services and accommodations, students must provide the Disability Specialist with current, valid documentation of a disability from an appropriate, licensed professional. Students should contact the Disability Specialist for specific information about documentation requirements. The Disability Specialist will maintain appropriate confidentiality of records and communication, except as otherwise permitted or required by law.

FORM OF ACCOMMODATIONS

The College seeks to accommodate those needs that are determined to be reasonable and that do not compromise the integrity of a program or curriculum, so that the student may, as independently as possible, meet the demands of college. Accommodations should not fundamentally alter courses, programs, and activities, or impose undue hardship to the College. A student has the responsibility to meet qualifications and maintain essential Brevard College standards for courses, programs, services, jobs, activities, conduct, and facilities.

Reasonable accommodations include a range of services, equipment, and alterations which modify or adjust a course, program, or activity, to ensure equal educational opportunities for all students regardless of disability. These accommodations are based on how a student's disability currently affects him or her, and may include such things as:

- Use of a digital recorder in class
- Having extended time for coursework
- Making field trips wheelchair-accessible
- Referral to available campus resources
- Assistance with procuring alternate texts and accessible materials
- Individual assistance with developing study
- Note-taking
- Reading and other academic strategies
- Time management coaching
- Supportive counseling
- Alternative housing assignments
- Allowance of service and support animals

For more information regarding students with disabilities, or if you are a student with a disability and would like to request accommodations, please contact the Disability Specialist or Associate Dean for Student Success. Students may also visit the Disability Services Office online for more information at:

my.brevard.edu/ICS/Offices/Campus_Life/Disability_Services

ACCESS TO STUDENT RECORDS – FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act (FERPA) sets out certain requirements of educational institutions that are designed to protect the privacy of students and their records. Specifically, the act governs access to educational records and the release of personally identifiable information contained in these records.

FERPA RIGHTS

FERPA affords students certain rights with respect to their education records maintained by Brevard College. These rights include:

- **Right to Inspect and Review.** The right to inspect and review your education records (with certain limited exceptions) within 45 days of the day Brevard College receives your request for access. You should submit any such request to the Registrar's Office in writing, identifying the records you wish to inspect. The Registrar's Office will make arrangements for access and notify you of the time and place where the records may be inspected. Records that are customarily open for student inspection will be accessible without written request.
- **Right to Request Amendment.** The right to request the amendment of your education records if you believe them to be inaccurate. You should submit any such request to the Registrar's Office in writing, clearly identifying the records that you want to have amended and specifying the reasons you believe them to be inaccurate. The Registrar's Office will notify you of its decision. (Grade appeals are handled differently. Please see the College Catalog for more information or contact the Registrar's Office.)
- **Right to Consent to Disclosure.** The right to consent to disclosures of personally identifiable information contained in your education records, except to the extent that FERPA authorizes disclosure without consent. For example, FERPA permits disclosure without consent (1) to school officials with legitimate educational interests, and (2) of directory information. See the section below on FERPA Exceptions for further detail.
- **Right to File Complaint.** The right to file a complaint with the U.S. Department of Education concerning alleged failures by Brevard College to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C., 20202-4605.

FERPA EXCEPTIONS

FERPA authorizes personally identifiable information contained in your education records to be disclosed **without consent** under certain circumstances, including:

- **To School Officials with Legitimate Educational Interests.** FERPA permits disclosure without consent to "school officials" with "legitimate educational interests." A "school official" is any person employed by Brevard College in any administrative, supervisory, academic, research, or support staff position (including security and student health services staff); any person or company with whom Brevard College has contracted to provide a service to or on behalf of Brevard College (such as an attorney, auditor, or collection agent); any person serving on Brevard College's Board of Trustees; or any student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a "legitimate educational interest" if the official needs to review an education record in order to fulfill the official's professional responsibility.
- **Of Directory Information.** FERPA permits Brevard College to disclose your "directory information" to anyone within the Brevard College community and to the general public.
 - **What Constitutes "Directory Information"?** "Directory Information" includes such information as a student's (1) name, (2) address, (3) telephone number, (4) e-mail address, (5) photograph, (6) date of birth, (7) place of

birth, (8) major field of study, (9) participation in sports and activities, (10) weight and height (for members of athletic teams), (11) dates of attendance, (12) enrollment status, (13) degrees, (14) honors and awards, and (15) most recent educational agency or institution attended.

- **Request to Withhold Directory Information.** Students may request to have their directory information withheld. The request must be submitted to the Registrar's Office in writing. Request forms are available on the Registrar's website. Currently enrolled students who do not wish to have their information published, such as in a student directory, must provide written notice to the Registrar's Office annually 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 any student's failure to specifically request the withholding of "Directory Information" for the academic year in which he or she is enrolled indicates individual approval for disclosure.
- **To Officials of Another School.** Upon request, Brevard College also makes disclosures without consent to officials of another school in which a student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
- **Of Alcohol or Controlled Substance Violations Committed Under 21.** Brevard College is permitted to disclose to parents of a student information about the student's violation of any Federal, State, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21.
- **Other Permitted Disclosures.** FERPA permits disclosure without consent in several other cases if the disclosure meets conditions described in the FERPA regulations. For more information on other permitted disclosures or FERPA, generally, please visit:
 - Brevard College Registrar's page: my.brevard.edu/ICS/Offices/Registrar
 - US Department of Education's page: www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html

IMMUNIZATION REQUIREMENT

With limited exceptions, North Carolina State Law GS130-A-155.1 requires ALL College students to have a Certificate of Immunization. The student must give the full dates for all required immunizations. The Certificate must be signed or officially stamped by a physician or health department official. This Certificate of Immunization must be returned prior to registration or the student may not be permitted to attend classes and may be withdrawn. The College uses a third-party service provider, Med+Proctor, to facilitate student submission of immunization information. Please visit or contact Campus Life for more information.

You may also review North Carolina's immunization requirements by visiting the North Carolina Department of Health and Human Services – Immunization Branch, online at: www.immunize.nc.gov/schools/collegesuniversities.htm.

INFORMATION TECHNOLOGY/ACCEPTABLE USE POLICY

Computing and information technology resources are for academic, research, and business purposes of the College. Use of these resources for commercial purposes or for personal profit is forbidden. All members of the Brevard College community are expected to follow the College's guidelines contained in the Acceptable Use Policy, viewable online at: my.brevard.edu/ICS/Offices/Information_Technology/Acceptable_Use_Policy.jnz

Students are responsible for use of their personal computers, devices, and network connections and will be held accountable for violations that occur. Theft/abuse of computer facilities/resources, includes, but is not limited to:

- Unauthorized entry or transfer of a file;
- Use of another individual's identification or password;
- Use of facilities/resources to interfere with operation of the College and/or a College member's work;
- Use of facilities/resources to send obscene/abusive messages; and/or
- Use of computing facilities and resources in violation of copyright laws.

INTELLECTUAL PROPERTY RIGHTS POLICY

The College's Intellectual Property Rights Policy can be viewed online at:
drive.google.com/file/d/0B7Ja_Z6D4RpiSy16aFVqZ3FrSDQ/view

INCLEMENT WEATHER POLICY

In cases of severe inclement weather, the Vice President for Academic Affairs, in consultation with other appropriate College Officials, will decide if the College will close and will notify College employees according to the following policy.

- 1) **Suspension of Operations:** Since most students live on campus and many faculty and staff live nearby, the College will not ordinarily suspend operations due to bad weather. Faculty will make allowances for commuting students who miss class on days of severe weather conditions. It is the student's responsibility to notify instructors promptly and make arrangements for making up missed work.
- 2) **Individual Safety:** Individual faculty, staff, and commuting students should use their best judgment about traveling in severe weather conditions.
- 3) **Whom to Inform:**
 - Faculty who are unable to reach campus due to inclement weather should inform their respective division chair in a timely manner. Faculty members should also inform their students via email of any classes that they cancel and provide them with information on assignments associated with the cancelled class.
 - Commuting students who are unable to reach campus due to inclement weather should notify their instructor in a timely manner. All students are expected to be in touch with faculty about cancelled classes and complete all assignments.
 - Staff who are unable to reach campus due to inclement weather should notify their supervisor in a timely manner.
- 4) **Essential Personnel:** In order to provide a safe and secure campus during severe inclement weather, the College has designated essential personnel that must be in place.
- 5) **College Announcement:** When possible, as of 7 a.m. on days of inclement weather, an email on any decision involving the operations of the College will be sent to all faculty, staff, and students. In addition, information will be posted on the College webpage and a recorded voice mail message will be left at the College phone number (828-883-8292). In the event that extreme, severe weather necessitates the closing of the College or the cancellation of classes, notification will be made by WLOS-TV station.
- 6) **College Closing during Operations:** Only in the event of extremely severe weather will the College consider closing down its normal operations. In such an event, anyone unable to leave campus safely will be accommodated in emergency shelter. The College will post the closing time on campus-wide email and on the College's web site.

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 Campus 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 Campus Security and Campus Life Staff will assist them in any way necessary.

LIABILITY/ASSUMPTION OF RISK

Participating in an activity can often be regarded as voluntarily assumption of 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 confirm that the participant (or parent/guardians of minor participants) understands the risks and agrees to assume the possible foreseeable or unforeseeable 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/or 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
Title IX	Dean of Students	884.8258	Coltrane

MEAL PLANS

A meal plan is included as part of the “Room and Board” cost of attendance for residential students. A meal package for commuters is also available for purchase. Students receive information about available meal plans, deadlines for making plan changes, and how to request dietary accommodations during check-in at the beginning of each semester.

Residential Plans expire at the end of each semester or upon discontinuation of enrollment at the College, if sooner. Commuter Plans expire at the end of each academic year or upon discontinuation of enrollment at the College, if sooner.

For more information about dining services, venues, hours of operation, accepted forms of payment, and dining policies, contact Campus Life and/or Dining Services.

PARKING AND TRANSPORTATION

Each semester, upon check-in, a student's account will be billed \$100 (One Hundred Dollars) for a parking permit. Any student who has a car on campus (including commuters) is required to have a valid parking permit for each semester that s/he is enrolled. Students that do not have a car on campus for a given semester can opt out of the \$100.00 parking fee by signing and dating a waiver (details below).

VEHICLE REGISTRATION REQUIRED

Each student must complete a “Student Profile/Vehicle Registration/Parking Waiver” form through the Campus Life Office to register his/her vehicle. Once registered, a student will receive a permit for his/her vehicle. The permit must be displayed by placing it on the outside of the left rear window. The permit may alternatively be affixed to the left rear bumper; however, the college is not responsible for any damage that may be caused to the paint upon removal. Due to the placement of permits, students are asked to pull forward into parking spots rather than backing into them.

PARKING WAIVER FOR STUDENTS WITHOUT VEHICLES

A student who does not have a car on Campus during a semester can opt out of the \$100.00 parking fee by signing and dating the parking waiver on the bottom portion of the “Student Profile/Vehicle Registration/Parking Waiver” form. The form may be turned in during check-in at the beginning of each semester, or to the Office of Admissions or Director of Safety, Security, and Risk Management. A waiver must be requested and approved each semester. The deadline for submitting a waiver will be announced via email and/or posted on the College’s website/intranet. Generally, the deadline is within two weeks of the first day of classes for each semester.

A student’s failure to submit a waiver request by advertised deadlines or otherwise within two weeks of the first day of classes will result in that student’s account being billed the vehicle registration fee, even if the student does not have a vehicle on Campus.

If a student opts out of parking privileges but later decides to bring a vehicle to the Campus, the student must immediately contact Campus Security to make arrangements to obtain a parking permit. In this case, a previously waived parking fee will be added back to the student’s account.

DESIGNATED PARKING AREAS

The College has designated parking for Residential Students, Commuters, Faculty/Staff, and Guests/Visitors.

Painted Stripes

- **Yellow Striping** – Always designates Faculty/Staff-Only parking between the hours of 8 AM – 5 PM.
- **Green Striping** – Always designates Commuter-Only parking between the hours of 8 AM – 5 PM.

- **White Striping** – Available to Residential Students, unless otherwise designated by signage.
- **Unclear Striping** - Please refer to signage if striping is covered or obscured (e.g., by snow or debris).

Painted Spaces

- **Handicapped** – Reserved for vehicles that display lawful, unexpired handicap parking plates or tags, or tags issued by Campus Security for use on Brevard College’s campus, only.
- **“Visitor”/“Guest”** – Reserved for guests/visitors. These are not intended for student use.
- **Other Designated Spaces** – Reserved for individuals/positions, as designated by paint or signage. For example:
 - **“AD”** – Reserved for professional residence life staff living within the residence halls.
 - **“President”** – Reserved for the President.
- **“Faculty”** – All parking spaces reserved for “Faculty” may also be used by Staff.

Signage

Lots and other areas may be designated by signage displayed at the physical location of the parking.

Lot Designations

To view a list of parking lot designations and hours online, please visit:

my.brevard.edu/ICS/Offices/Campus_Life/Campus_Security/Parking_Lot_Designations.jnz

Please note that the College may change lot designations and hours at any time.

“NO PARKING” AREAS

The College is unable to post “No Parking” signs in every location on campus that is not intended for parking. Therefore, if there is not a marked parking space, the space shall be considered “No Parking.” Some specific “No Parking” areas include, but are not limited to, parking in or on:

- Marked “No Parking” zones
- Loading zones
- Along curbs
- Fire lanes
- Sidewalks or walkways
- Grass or grounds
- Handicapped Parking Spaces (unless the vehicle displays lawful, unexpired handicap parking plates or tags, or tags issued by Campus Security for use on Brevard College’s campus, only)
- Dumpster areas
- Residence hall quads (except on designated moving days)

Designated maintenance and emergency response vehicles are exempt from “no parking” restrictions, as necessary.

CAMPUS SPEED LIMIT

The Campus-wide speed limit is 15 miles per hour unless otherwise posted.

VEHICLE REMOVAL

Generally. The College reserves the right to remove any vehicle that is illegally parked; non-registered; or parked in such a way as to constitute a hazard, impede vehicular or pedestrian traffic, block the operation of emergency equipment, or interfere with services. Owners are required to pay all costs involved in the removal, impounding and storing of such vehicles. Brevard College is not responsible for damages to, the loss of, or theft from towed vehicles. A student who thinks his/her vehicle has been towed should contact Campus Security.

Repeated Citations for Non-Registration. Any student receiving two (2) or more parking citations for non-registration in an academic year may have his/her vehicle towed each time it is parked on campus until such time that the student's account is cleared of all parking fines and the vehicle is registered.

CITATIONS AND SANCTIONS

Scope of Enforcement. The College may take campus action (such as issuing citations and tickets) for conduct that would be considered a violation of motor vehicle laws and/or campus policies. College actions do not replace any actions by law enforcement that may additionally or alternatively be taken pursuant to applicable federal, state, or local laws.

The College cannot provide an exhaustive list of all possible infractions involving vehicles. However, some infractions that may result in a citation include, but are not limited to, violation of campus parking policies, non-registration or improper registration of vehicles, manipulation of the registration process, improper waiver of parking registration requirements, and moving violations (such as driving while impaired, speeding, careless and reckless driving, and running stop signs).

Fines/Fees. There will be a fee charged for each citation/parking ticket issued. For example, a parking violation typically results in a \$30.00 fine. An individual may also be charged for restitution if damage is caused to campus.

Repeated or significant violations may result in increased fines/charges and/or additional sanctions through the student conduct process.

Failure to Register. For any student who signs a waiver indicating s/he does not have a vehicle on campus who is later found to be parking on College property, the student will receive a \$500.00 non-appealable fine. To continue parking on campus, the student will be required to register his/her vehicle and display a parking permit, subject to additional fines/charges and/or sanctions through the student conduct process.

Suspension of Privileges. Certain violations may result in the suspension of operating privileges on the College's property, including, but not limited to, driving while impaired, using a vehicle to store items otherwise prohibited on campus, accumulating three unpaid parking tickets, and any moving violations occurring on Campus.

CITATION APPEALS

Students may wish to appeal citations/tickets. To be considered, appeals must be submitted in writing to the Director of Safety, Security, and Risk Management (or to the Dean for Students, if the Director issued the ticket) within five (5) days of the date on the ticket. If the person appealing fails to meet these criteria and/or correct an offense underlying the ticket/citation, the ticket/citation automatically stands without the ability for further appeal/review. The decision of the Director of Safety, Security, and Risk Management (or Dean of Students, if the Director issued the ticket) is final. If a citation/ticket is adjudicated through the student conduct process, the appeals criteria of that process apply.

RESPONSIBILITY FOR DAMAGE/LOSS

Brevard College is not responsible for the care and protection of vehicles or vehicle contents on campus, and therefore is not responsible for any damage or loss involving any type of vehicle or transportation. As a best practice, the College recommends that students remove keys and valuables from their vehicles, secure items out of sight in the trunk, and lock their vehicles. Students should report any thefts to 911 and campus security, immediately.

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 use 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.

FACILITIES

1. All facilities are property of Brevard College and must be scheduled through the Office of Scheduling, Summer Conferences and Special Events. 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 Scheduling, Summer Conferences and Special Events 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 Scheduling, Summer Conferences and Special Events 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 Scheduling, Summer Conferences and Special Events.
 - f. If an event is changed or canceled, the Office of Scheduling, Summer Conferences and Special Events must be notified immediately.
 - g. All events will be communicated to Campus Security for safety and security reasons.

RESOURCES

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 Scheduling, Summer Conferences and Special Events will coordinate a communication plan with appropriate individuals determined to be in a "need to know" role.

EVENT SETUPS

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 Scheduling, Summer Conferences and Special Events. 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 (e.g., 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 in-house food service provider. Use of catering should be requested so that the Director of Event Planning and Central Scheduling can coordinate physical set-up needs. Actual catering orders must be placed through Dining Services.

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 (e.g., 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 the College's ongoing programs and activities. Contracts are required for this type of event. Facilities rental fees are charged to the sponsoring community organization or individual, who 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.

INVOLUNTARY WITHDRAWAL POLICY

The Dean for Students and/or her/his designee may require a student to involuntarily withdraw when the conduct of the student poses a significant risk to the health or safety of others that cannot be eliminated by the application 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 (a) degree to which the student and/or her/his conduct, actions, or statements may pose a significant risk to the community, and (b) nature, duration, and severity of any such 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 and permitted by law.

Before a decision is made to require involuntary withdrawal, a hearing will take place with the DFS (or designee) and the student of concern. In a situation where safety is of immediate concern, the DFS (or 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, unless otherwise required by law or College policy.

The DFS (or 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 DFS. In order to appeal, the student must submit a written appeal to the DFS within three (3) business days of receipt of the initial decision. The appeal must include specific grounds for the appeal, supporting arguments and documentation, and any other relevant information the student wishes to have considered. The DFS 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. The DFS will notify the student of the final decision by or at that time, either in writing or with written confirmation sent out on the date of notification.

TRESPASSING ON COLLEGE PROPERTY

Brevard College may be visited by the general public under certain conditions. Persons who violate College policies, regulations, or rules, or who 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, DFS, 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, for conduct including, but not limited, to the following:

- Committing any crime on campus;
- Threatening and/or interfering with any member of the College community, including, but not limited to, faculty, staff, students, and visitors;
- Acting in a way that poses or indicates a threat of disruption to normal College operations;
- Violating College policies, regulations, or rules;
- Loitering around buildings or parking lots without satisfactory explanation;
- Otherwise behaving in a suspicious or disorderly manner; or
- Representing 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.

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. This grievance policy guides the orderly procedure of a 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.

QUALIFYING GRIEVANT

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.

GRIEVABLE ACTIONS/DECISIONS UNDER THIS SECTION

An action or decision is grievable under this section 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 for them (administered by the DFS – please refer to [The Social Code](#) and [Social Code Review Process](#) policies);
- Formal complaints of discrimination, harassment, and/or other types of incidents that are based on gender, gender identity, and/or gender expression, or that are based on sex or are sexual in nature, or that concern stalking behavior, or dating, domestic, or intimate partner violence, since there is a separate procedure for these types of complaints (administered by the Title IX Coordinator(s) – please refer to the [Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence](#) policy); or
- Where another College procedure could have been used for the matter being grieved (e.g. residency appeals).

INFORMAL RESOLUTION

If feasible, 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). 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 DFS or Vice President of Business & Finance about the use of mediation as part of an informal resolution process.

TIMELINE FOR INITIATING FORMAL RESOLUTION PROCESS

The College's formal resolution process must be initiated within sixty (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 sixty (60) day period, for good cause shown.

GRIEVANCE FILING REQUIREMENTS

To file a grievance and seek formal resolution, the grievance must:

- Be in writing, directed to the DFS and/or Vice President of Business & Finance;

- State how the decision or action is unfair and harmful to the grievant;
- List the College policies, state laws, and/or federal laws that have been violated, if known;
- Name the respondent(s) (the person(s) against whom the grievance is filed);
- State how the respondent(s) is/are responsible for the action or decision;
- Request a hearing;
- 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.

DISMISSAL

If it is clear on the face of the written grievance that the grievance has not been filed within the required time limit, pertains to a matter not grievable under this grievance policy, or is from a person without grievance rights under this policy, the DFS or Vice President for Business & Finance shall so indicate in a written communication to the grievant, concurrently with notice that the grievance shall be dismissed.

GRIEVANCE HEARING

If the grievance is not dismissed, the DFS or Vice President of Business & Finance shall appoint a panel to hear the grievance and provide them with a copy of these procedures and the written grievance. If the respondent is a member of the President's Executive Leadership Team, the grievance process shall be administered by the President or his designee.

GRIEVANCE PANEL SELECTION

Panel members shall include faculty or staff members who are not part of the same office or immediate administrative unit as the respondent(s). Panel members may include students. 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.

NOTICE AND INITIAL RESPONSES AND DISCLOSURES

Within ten (10) College business days of being appointed:

- The panel shall meet, elect a chair, and send the written grievance and hearing request to the respondent(s).
- The chair shall offer respondent(s) an opportunity to provide a written response to the allegations to the panel chair. Respondent(s) shall have ten (10) College business days from receipt of the allegations to provide such a response. Any response to the grievance must be distributed to the panel and all parties at least ten (10) College business days prior to the hearing.
- The chair shall instruct the parties that they have ten (10) 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.

SCHEDULING

The chair shall notify the parties of the hearing date, time, and location at least ten (10) College business days in advance of the hearing. The panel may schedule additional days for the hearing, if needed, after the hearing is underway, so long as all parties receive reasonable advanced notice of the additional dates.

ADMINISTRATIVE PROTOCOL

The following protocols shall apply concerning the hearing:

- **Minutes.** The hearing must have detailed minutes taken. The chair shall designate a panel member to take minutes.
- **Observers.** 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.
- **Attorneys.** The panel may request procedural advice from an attorney. Both the grievant and each respondent 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).
- **Procedural Authority.** The panel has the authority to rule on procedural matters not otherwise addressed in College policies and procedures.
- **Evidence.** Formal rules of evidence will not apply, and the panel may consider any evidence it believes to be relevant and reliable. The panel may decline to consider evidence for reasons of excessive redundancy, immateriality, irrelevance, and other good cause.
- **Confidentiality.** 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. The panel may consult with Executive Leadership or outside counsel, if necessary.

CONDUCTING THE HEARING

- **Opening Statements.** Each party may make opening statements (opening order: grievant first and respondent(s) second) of a time duration to be determined by the panel.
- **Grievant's Case.** 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 by submitting questions to the chair, who shall retain authority to not ask questions due to redundancy, immateriality, irrelevance, or other good cause.
- **Respondent's Case.** The next step is for the respondent(s) to present any testimony, exhibits, and witnesses, to be followed by questioning from the grievant in the same manner and under the same terms as was permitted with the respondent.
- **Rebuttals.** Rebuttal and other follow-up testimony is at the discretion of the panel.
- **Closing Statements.** Each party may make closing statements (closing order: grievant first, respondent(s) second, and grievant last) of a time duration to be determined by the panel. Closing statements conclude this step of the hearing process.
- **Panel Authority.** 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.

DELIBERATIONS AND REPORTS FOLLOWING HEARING

- **Closed Session.** The panel shall deliberate and reach a decision on the grievance in closed session. Deliberations are not tape recorded or transcribed.
- **Decision-making Standard.** The panel's 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 (meaning that it was more likely than not) that the grievant has experienced an injury that would entitle the grievant to relief and that such injury is remediable.
- **Record and Report for Recommendation.**
 - **Official Record.** 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), and anything else considered by the panel in reaching its recommendation.

- **Written Report.** 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, that recommends remedies as appropriate.
- **Delivery of Reports.** The chair of the panel shall be responsible for ensuring that the *official record* and *written report* are delivered to the DFS, Vice President of Business & Finance, President, or the Designee who appointed the panel, with copies of the *written report* to be sent to the parties, within sixty (60) calendar days after the hearing. A dissenting panel member may file a *minority report* at the same time.

FINAL DECISIONS

- **Written Decision.** The Vice President for Campus Life, Vice President of Business & Finance, President, or the Designee who appointed the panel shall issue a written decision within twenty (20) College business days of receipt of the panel's report and official record.
- **Authority.** 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 Vice President for Campus Life, Vice President of Business & Finance, President, or the Designee who appointed the panel 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.
- **Notice of Decision.** 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.

OTHER GRIEVANCE FORUMS

The existence of College grievance procedures does not bar a grievant from filing a claim in other forums to the extent permitted by state or federal law. For example, if a student believes that he or she has been discriminated or retaliated against or harassed based upon actual or perceived race, creed, color, religion, sex, gender identity, gender expression, sexual orientation, national or ethnic origin, citizen status, age, disability, veteran's status, or any other category protected by law, s/he should notify the DFS or other appropriate authority, as specified under College policy. However, in this example, the student may also or alternatively file a claim outside of the College with the Department of Education Office of Civil Rights and/or the Equal Employment Opportunity Commission, as appropriate. These offices/agencies may discuss the issue with all parties, attempt to facilitate an informal resolution, make efforts to resolve the issue as soon as practical, and maintain a record of all communications and documents.

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.

SCOPE/COVERAGE

The Social Code consists of General College Policies (see above), Community Standards (see below), policies on Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence (see below), and the contents of this section, all 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 DFS (or designees) 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 College community and/or community at large, the maintenance or protection of property, the provision of living accommodations or other services, and/or 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.

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 he/she engaged in misconduct while working toward a degree (in such cases, sanctions such as revocation of a degree, revocation of honors or awards, etc. could apply).

GENERAL AMNESTY POLICY

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 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 and the person requiring assistance. Any possible negative consequences for the reporter of the problem and person requiring assistance should be weighed against the possible negative consequences of non-intervention.

Generally, subject to the discretion of the DFS (or designee), a student who intervenes or responds to obtain professional help for someone in critical need of medical or other professional assistance will not be subject to disciplinary action by the College (nor will the student in critical need) for personal consumption of alcohol or drugs or for most other violations of College policy, at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk; involve plagiarism, cheating, or academic dishonesty; or constitute prohibited conduct under policies on Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence. The College may, however, initiate an educational discussion or pursue other educational remedies with the students regarding alcohol or other drugs, or as otherwise appropriate.

Amnesty is also discussed more specifically in other sections of the handbook as amnesty considerations apply to specific policies.

SOCIAL CODE REVIEW PROCESS, GENERALLY

The DFS 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, but is not limited to:

- Failure to obey the notice of the DFS or designated official to appear for conduct or investigatory hearing, meeting, or conference
- Failure to obey the notice of the DFS 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 conduct process, hearing, meeting, conference, etc.
- 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

DEFINITIONS

- "College" means Brevard College located in Brevard, North Carolina.
- "Student" includes all persons enrolled and taking courses at the College, such persons who have a continuing relationship with the College, and persons 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).
- "DFS" means Dean for Students; "ADS" means Associate Dean of Students; "DHRL" means Director of Housing and Residence Life; "HD" means Hall Director; "SRA" means Senior Resident Advisor; "RA" means Resident Advisor.
- "Member" of the College community includes any person who is a student, faculty member, staff 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 through SGA, Campus Life, an academic department, or recognition by the Board of Trustees, etc.) as well as athletic teams.
- "Social Code Review Conference" or "Social Code Review Board" means any person or persons authorized by the DFS to determine whether a student has violated the Social Code and issue sanctions. This includes a Student Social Code Review Board.
- "Student Social Code Review Board" means any student-populated board authorized by the DFS to determine whether a student has violated the Social Code and recommend sanctions.
- "Social Code Appeal Board" means any person or persons authorized by the DFS (including the DFS, as appropriate) to handle appeals procedures.
- "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 reconsidered 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,” “Offender,” or “Respondent” 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 emailed, mailed, or hand delivered to the student(s) involved.

AUTHORITY

- The DFS is responsible for the administration of the Social Code.
- The DFS shall designate an official to administer the Social Code. Where “DFS” is referenced throughout the policy, the DFS may have his/her designee assist with, carry out, or perform certain identified functions or duties, so long as appropriate to the integrity of the policy, the preservation of students’ rights, and the requirements of law.
- The DFS shall develop policies for the administration of the Social Code system and procedural rules for the Social Code Review and Appeal Process.
- The DFS 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 DFS, ADS, DHRL, HD, 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.

INTERIM MEASURES AND PENDING ACTIONS

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 be deemed a violation of the Social Code. In such situations, that student may be held accountable by outside authorities and also 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 or have been dismissed, reduced, or resolved. However, just because a student is involved in such circumstances does not necessarily mean that they constitute a threat to the College community 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 to be taken. However, the College may agree to delay its procedures for a limited period of time (unless otherwise required by law) 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 DFS will determine if the student(s) involved pose an immediate threat to the health and safety of the campus community. If the DFS 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 DFS. Upon completion of further investigation, the student will be instructed as to his/her status and further proceedings to be completed (if any) before changes in his/her status or 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 DFS), a student's behavior constitutes a disruption or danger to the living/learning environment which the College seeks to create, the DFS 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 DFS. The DFS 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 DFS 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 DFS and other professional staff at the College, as needed. If the student poses an ongoing danger or disruption to him- or herself 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 DFS 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 DFS 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 DFS, 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 DFS is the final authority on all behavioral contract decisions, and the behavioral contract falls outside of the Social Code Review Process.

Notwithstanding the above, a Social Code Review Board (or a Student Social Code Review Board, in consultation with the DFS or professionally staffed Social Code Review Board), may institute a behavioral contract as part of a sanction, in which case appeals of the behavioral contract to the Social Code Appeals Board are still allowed.

PENDING DISCIPLINARY ACTION

Should a student have a charge pending at the end of an academic semester, or should the student be academically dismissed or withdrawn from the College before pending Social Code charges have been resolved, a disciplinary hold may be placed on the student's records, including, but not limited to, a hold upon the posting of grades, future registration, the release of transcripts, and the granting of a degree, until the charge has been resolved and/or sanctions have been completed.

If the student has been academically dismissed or withdrawn, the DFS may also elect to proceed with the Social Code Review Process according to the procedures outlined.

NOTIFICATIONS

NOTIFICATION TO STUDENTS

A student who has been charged with allegedly violating the Social Code, who is being asked to participate in an investigation into possible violations of the Social Code, or who has been identified as a possible witness of an alleged violation of the Social Code, will be notified via email if s/he is required to discuss the situation, attend a meeting or hearing concerning the situation, or otherwise participate in the 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; absence from campus when there is concern about the student’s well-being; serious physical or mental health issues; and/or situations where communication is deemed necessary.

For students under the age of 21, the College may also disclose information to parents about a student’s violation of any law or school rule or policy governing the use or possession of alcohol or a controlled substance, if the school determines that the student committed a disciplinary violation.

NOTIFICATION TO OTHERS

Brevard College believes in the holistic development of the student. 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 circumstances 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), subsequent amendments, and the guidelines for implementation; Title IX of the Education Amendments of 1972 (Title IX), subsequent amendments, and the guidelines for implementation; and as otherwise required by law. All disciplinary records are kept confidential, except in the cases of crimes of violence (when the victim may be informed) or as otherwise permitted or required by law (e.g., under the requirements of Title IX). Other College Officials may be notified when appropriate under a “need to know” basis. Application to another school is also regarded by the College as permission to send disciplinary records to that school in connection with the application for enrollment or transfer.

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 may be 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.

In situations involving both a Respondent student (or group or organization) and a Complainant student, where misconduct has been alleged to involve violence or a non-forcible sex offense, the final outcome as to these areas of misconduct shall be considered to be the education records of both parties. Therefore, the final outcome may be disclosed to both the Respondent and Complainant. Complainants may also participate in the hearing process and be informed (by request, and to the extent permitted by law) of the impending return of a Respondent to campus if the conditions for return are met prior to the Complainant's graduation or departure from campus.

For more information and/or permitted or required disclosures concerning reports of sexual misconduct, please review the Student Handbook section on Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence.

For more information on education records and disclosures in general, review the above policies on "Access to Student Records – Family Educational Rights and Privacy Act (FERPA)" or visit the College's Office of the Registrar or Office of Campus Life.

SOCIAL CODE REVIEW PROCESS, DETAILED

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 Process 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, all standards of the Social Code are created equal, and the violation of one standard is equal to violation of another standard, whether someone is merely a bystander or a very active participant. In other words, the College equally expects compliance with all College policies. Sanctions should, however, take into consideration the nature and degree of the incident and of participation. Here, flexibility is allowed and encouraged.

INITIAL PROCEDURAL STEPS

Incident Report. All Social Code Review Process procedures are initiated with an incident report. Incident reports are directed to the ADS who will direct it through the Social Code Review Process, as appropriate. Generally, if a student is charged with violating the Social Code, whether in a residence hall, outside of the residence hall, or outside of the College's campus, the student will be directed to attend a Social Code Review Conference or meet with a Social Code Review Board.

Notice to Accused. The Accused will receive written notification of his/her alleged violation(s) via email at his/her Brevard College email address. The email will include the standards allegedly violated (charges), instructions on the meeting to follow, and a notification that the scope of possible violations may change based on details determined during meeting. The notice will be sent at least twenty-four hours prior to the scheduled hearing.

Failure to Attend. The Notice to Accused will direct the Accused to meet at a scheduled time. If the student fails to attend, the DFS, ADS, Social Code Review Board, or person(s) designated to hold a Social Code Review Conference will consider available evidence against the accused and determine outcomes, including whether there was a violation and what sanctions will be issued (if applicable) without the student's input. Similarly, the failure of a witness to attend, or the unavailability of information, shall not prevent a hearing from going forward or a decision from being rendered.

Request to Reschedule. Once a student receives the notification with the scheduled meeting, s/he has the right to request a rescheduled hearing for good cause shown. If the meeting is scheduled during a class, it is the responsibility of the student to ask for a reschedule.

Student Rights. Students have fundamental rights at Brevard College. Students may elect not to exercise all rights, but the rights shall always be considered throughout the Social Code Review Process. In the context of conduct matters, these rights are often call the student’s “due process” rights. They will be covered during the meeting.

RESPONDENT 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, present witnesses, and question witnesses (in a manner deemed appropriate by the person(s) presiding over the meeting/hearing, so as to keep decorum);
- To have access to the Student Handbook;
- To have a faculty/staff advisor present (but who will not address the person(s) holding the meeting/hearing);
- To be heard as a group (if applicable), if all members of the group agree to be heard as a group; and
- 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 (including through the DFS, ADS, Campus Security, or Housing/Residence Life);
- To pursue criminal or civil charges through the legal system, where applicable (but without College assistance);
- To receive an explanation of the applicable charges from Campus Life;
- To receive an explanation of the procedural alternatives available for bringing charges against a student;
- To have all formal complaints investigated by Campus Security, the DFS, and/or a designee of the DFS;
- To receive contact and referral information from staff in Campus Life for College-based support services;
- To be free from harassment, intimidation, and/or retaliation from a Respondent or other members of the College;
- To testify during the Social Code Review Process and know the outcome, when permitted by law and College policy; and
- To question witnesses through the person(s) presiding over the meeting/hearing.

RESPONSIBILITIES OF COMPLAINANTS, RESPONDENTS, 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, and/or hearings in a timely fashion;
- To participate in a manner that is civil and respectful;
- For Parties (Respondents and Complainants, where appropriate), to prepare and present their cases and secure the presence of any witnesses who will speak on their behalf;
- For Accused, to secure the presence of any faculty/staff advisor at the hearing/meeting; and
- For Accused, to complete any imposed sanctions on time and consistent with the decision in his/her case.

The College expects all students of any status (whether they are parties, witnesses, colleagues, or friends, etc.) to cooperate fully in the course of the investigation or disposition of possible violations of the Social Code. A student’s failure to meet these expectations, or interference with the Social Code Review Process, may constitute an independent violation

of the Social Code. The College may take disciplinary action against students who refuse to respond and participate when asked to do so.

CONFERENCES AND BOARDS

A student charged with violating the Social Code may be referred to a Social Code Review Conference, Social Code Review Board, or Student Social Code Review Board. Each is designed to attain a resolution to the alleged incident and violation of the Social Code. An explanation of each is below.

SOCIAL CODE REVIEW CONFERENCE

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 DFS, ADS, or other designee regarding their involvement. The DFS, ADS, or other designee can give any sanction during a Social Code Review Conference.

SOCIAL CODE REVIEW BOARD

Structure and Process, Generally. A Social Code Review Board consists of between three to five members. One member will “chair” the hearing. His/her role will be to:

- Present charges/evidence to Accused;
- Introduce members of the Social Code Review Board;
- Call in witnesses;
- Determine whether to include or exclude testimony or other evidence based on relevance and/or whether its needlessly duplicative or unfairly prejudicial to determinations in a given case;
- Maintain order in the proceedings;
- Read the finding and sanctions (if applicable) to the Accused; and
- Answer any procedural questions that might arise.

Scope of Sanctions. The Social Code Review Board can give any sanction. A Student Social Code Review Board can recommend any sanction for confirmation by the DFS or ADS. Recommended sanctions may be adopted in whole or in part, subject to revision by the DFS or ADS.

Conflicts of Interest. No member of a Social Code Review Board who was involved in the incident and/or who has a known 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 DFS may choose a random student to serve on the Social Code Review Board who is in good judicial and academic standing with the College.

DECISION-MAKING STANDARD

Social Code Review Processes will be decided based on 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. Decisions based on a preponderance of evidence are based not on the amount of evidence, but on the more convincing evidence and its probable truth or accuracy. If different or additional possible act(s) or violation(s) are raised during the hearing/meeting, such as through testimonial evidence, the same decision-making standard is applied.

HEARING PROTOCOLS

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

- **Review of Rights.** Accused shall have their due process rights reviewed with them. The rights may be presented in person or in the initial written notice of charge(s) and confirmed in person.

- **Safety/Security.** The person(s) holding the meeting/hearing may accommodate concerns for the personal safety, well-being, and/or fears of those involved in the Social Code Review proceedings.
- **Respond to Evidence and Present Witnesses.** Accused shall have an opportunity to respond to the evidence and to call appropriate and relevant witnesses. Witnesses can only be present during the time they are providing relevant testimony. Character testimony will not be considered appropriate or relevant.
- **Declining to Respond.** Accused may not decline to answer questions. In the event the Accused refuses, the person(s) holding the hearing will take that failure to answer into consideration.
- **Advisors.** Accused shall have an opportunity to be accompanied by a faculty or staff advisor. The Advisor may not directly participate in the hearing unless requested to do so by the person(s) holding the hearing. Advisors are only allowed for the limited purpose of counseling the Accused – not for representing them. Legal counsel may not be present at any meeting or hearing, except as otherwise permitted for specific types of matters (see, e.g., the Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence policy).
- **Decision-making Standard.** The decision to hold an Accused accountable for alleged acts will be based on a preponderance of evidence (as discussed above under the “Decision-making Standard” section).

OUTCOME OF CONFERENCES AND BOARDS

Decision Rendered. After all testimony and/or information has been shared in the Social Code Review Conference or Social Code Review Board hearing, a decision will be rendered 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.

Notice of “In Violation” Finding. A student found “in violation” will be notified of the decision in writing, which will include the following:

- Those portions of the Social Code as to which the student has been found “in violation”;
- The evidence relied upon in reaching findings;
- If applicable, the sanctions imposed;
- If applicable, the deadlines for completion of any sanctions; and
- Instructions concerning the student’s right to appeal.

An oral decision may be given at the end of the hearing, or within two (2) business days of the end of the hearing, with the written decision to be provided to the student no later than three (3) business days from delivery of the oral decision, all as subject to any special or unusual circumstances. To appeal, an Accused must follow the directives in the “Appeals” section below within the timeframe outlined.

Once the student successfully completes imposed sanctions, the matter is closed, and it becomes part of the student’s education record and disciplinary history. A student’s disciplinary history will be taken into consideration when future sanctions are considered. Repeat offenses of the Social Code may result in more serious sanctions, including the possibilities of Suspension, Expulsion, or Revocation of Honors, Awards, or Degrees conferred.

APPEALS

Generally. A student may appeal any Social Code Review Process decisions and sanctions, except in cases of Administrative Withdrawal, failure to comply with a referral for required evaluation/treatment, and/or Suspension/Expulsion resulting from violation of a Behavioral Contract.

Standing to Appeal. Appeal rights extend to a student found “in violation.” No appeal rights extend to a Complainant or others, unless otherwise specified or required by law (as is the case in sexual misconduct cases, for example). For appeals

in cases involving bias, harassment, and/or other types of incidents or acts of bias that are based on gender, gender identity, and/or gender expression, or that are based on sex or are sexual in nature, or that involve stalking behavior or dating, domestic, or intimate partner violence, please see the appeals section under the Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence section of this handbook.

Deadline and Written Requirement. A student that wishes to exercise appeal rights falling under this portion of the Handbook must make a written appeal within three (3) calendar days of being informed of a disciplinary sanction. After three (3) calendar days have passed following 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.

Content of Appeal. The written appeal must include the specific grounds for the appeal (see Grounds for Appeal below), supporting arguments and documentation, and any other relevant information the person appealing wishes to include. Upon receipt of the written appeal, the other principal parties involved in the original hearing may be provided reasonable opportunity to respond to the appeal, in writing (to the extent permitted by law).

Person(s) Who Receive Appeals. Decisions are appealable to the DFS or, if referred by the DFS, to a Social Code Appeal Board. If the DFS made underlying original decisions, or if the DFS revised sanctions issued by a Student Social Code Review Board, the portions decided upon by the DFS are appealable to a Social Code Appeal Board. If appeals are to be processed by a Social Code Appeal Board, the DFS will notify the appealing student of the same and redirect a timely-filed appeal to the Social Code Appeal Board.

Grounds for Appeal. Appeals under this section must be based on one or more of the following reasons:

1. **Sanction Proportionality** – to determine whether the sanction was grossly disproportionate to the offense for which the student was found to be responsible.
2. **New Information** – to consider new information that was not known at the time of the original conference or hearing that, if introduced, would significantly and materially impact the finding or sanction.
3. **Procedural Conformity** – to determine whether a conference or hearing did not conform to the outlined procedures in a way that significantly and materially impacted the outcome of the conference or hearing.

Minor Deviations from Procedure. A student and the DFS 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 also acceptable as long as such deviations are not found upon appeal to be unreasonably harmful or prejudicial to the student.

Outcome of Appeal. Findings through a Social Code Review Conference or Social Code Review Board are presumed to have been decided reasonably and appropriately. The person appealing carries the burden of proof to demonstrate that either the alleged procedural error, or the proposed new information, would significantly and materially impact the outcome of the proceeding, or that the sanction(s) are significantly and materially disproportionate to the findings.

The DFS or Social Code Appeal Board will determine, within three (3) business days, whether any grounds for the appeal are substantiated. If not, the person appealing will be notified of that outcome by or at the conclusion of the three (3) business days.

If there are substantiated grounds for an appeal, the DFS or Social Code Appeal Board will attempt to resolve the appeal, when possible, within ten (10) calendar days of the initial filing. Appropriate actions for resolution are at the discretion of the person(s) hearing the appeal and may include, but are not limited, to:

- Reversing findings and/or any sanction(s);
- Revising the sanction(s) to proportionally fit the violation(s);
- Directing the person(s) who held the original hearing/meeting to reconsider new evidence and determine if it impacts any outcomes; or
- Scheduling a new hearing.

Final outcomes from an appeal will generally be communicated, in writing, to the student within three (3) business days of the outcome.

Decisions about whether there are substantiated grounds for an appeal, and the final outcome of any appeals processes or any processes ordered to resolve the appeal, are final and not subject to further appeal.

COMMUNITY STANDARDS

Community Standards promote a safe, cohesive, and secure College environment. These standards apply to all students, **regardless of residential status**. The College reserves the right to address conduct off-campus, as well (for more details, see the above section on Jurisdiction). However, it should be noted that Brevard College, being a primarily residential Campus, considers the dynamics of residential living when considering Community Standards. Therefore, by their nature, some standards primarily pertain to a resident's responsibility to maintain his/her living space on Campus. In some cases, it is therefore at the discretion of the Residence Life and Housing Staff or Campus Security to document failures to meet these responsibilities as chargeable offenses to be heard through the Social Code Review Process.

LIVING ON-CAMPUS—FOR RESIDENTIAL STUDENTS

Living On-Campus is a unique community living option that helps foster the growth and development of all residential students through a shared living experience with roommates, suitemates, and neighbors. Residence Life and Housing Staff are available to help assist students in their daily living needs, promote community development, and ensure that community standards are upheld.

To ensure that a residential community fosters positive experiences, policies that provide for the health, safety, and security needs of all students are a necessity. Thus, many of the College's policies seek to foster a cooperative living and learning environment and prohibit certain behaviors that may adversely affect the community.

All Campus housing is considered private property, reserved for the exclusive use of residential students, invited guests, and authorized College personnel. Students are responsible for upholding all Community Standards and for informing their invited guests of said policies. **Students are responsible for the behavior of their guest(s) at all times.** Violations of any of the policies, procedures, or requirements in the housing agreement, this handbook, and/or official communications by the College, all incorporated herein by reference, will be considered a violation of the housing agreement and ground(s) for termination of the housing contract/agreement and removal from Campus housing.

ELIGIBILITY TO LIVE ON-CAMPUS

To reside in Campus housing, students must be enrolled full-time (12 credit hours or more). If a student's status changes to part-time, the College can terminate the housing agreement. Appeals of this policy are directed to the DFS.

MANDATORY LIVE-ON-CAMPUS POLICY

Brevard College believes that an important part of a student's education is achieved within the group living atmosphere maintained in residence hall life on campus. Therefore, the College is intentionally a residential college.

All full-time students are required to live in College residence halls and have a meal plan, unless: (1) married, (2) commuting daily from the primary home of their legal guardians within Transylvania County or a 50 mile radius from Campus, and/or (3) otherwise qualified under the eligibility requirements of the Division of Campus Life for Off-Campus residence (described below in "Living Off-Campus").

Students meeting any of the above criteria may apply to live off-campus. However, no change in residency shall take place until the student has received written approval from the Office of Housing and Residence Life.

HOUSING CONTRACT

Each residential student is required to sign a housing contract that obligates the student for a full academic semester or full academic year of housing (depending on enrollment status), even if the room is vacated. A signed contract is required before any student may occupy a room. Any student wishing to file an appeal to terminate his/her contract must contact the Director of Housing and Residence Life in Campus Life.

ROOM ASSIGNMENTS

Room assignments are made by Housing Staff through a housing registration process. At the beginning of each semester, students who do not have a roommate and are unwilling to pay for a private room will be paired with another student who does not have a roommate. These students will be notified about what rooms and students are available for consolidation. Students not wanting to move or consolidate will be assessed the appropriate room rate, including, but not limited to, any private room charges that may apply. The College may, if needed, keep rooms empty at its discretion and/or move students as needed. No room changes may occur without the notification of Campus Life.

CHECK-IN/CHECK-OUT

All students will check in each semester at designated check-in times communicated by the College. Among other things, residential students will receive keys and a copy of their Room Condition Report (RCR) during their first check-in of the academic year. The RCR is to be filled out by the student and returned to Housing staff.

Each resident must also check-out during break closings and anytime he/she moves out of a room, including, but not limited to, move-outs at the end of the semester or academic year, move-outs during a semester, and when changing rooms during the year. Check-out procedures are outlined more fully below in the "Break Closings and Move-Outs" section.

BREAK CLOSINGS AND MOVE-OUTS

Residential students are required to check-out during break closings, at the end of the academic year, and when moving out of a room.

Deadline for Closings/Move-Outs. During break closings and corresponding move-outs, each resident must leave within 24 hours of his/her last final, exam, paper, project, etc. (as applicable) or by 10 AM on the last day that residence halls remain open (whichever arrives sooner). Graduates are required to move out by 10 AM on the morning following graduation. For a student moving out within a semester, Campus Life will communicate to the student the required time for completing the move-out. Failure to check out or move out by a deadline may result in nightly charges (outlined in the Housing Contract) and additional sanctions under the Social Code.

Abandoned Property. In the event that a student does not vacate by a move-out deadline, any property of the student remaining in the room or building may be treated as abandoned property. The College may remove such personal property from the residence and donate it to any kind of charitable institution or organization without liability to the College. Any charges for removal and disposal will be assessed to the student.

Check-out Steps. Students must complete a list of checkout steps during move-outs and break closings. Break closing steps are announced and posted by Campus Life prior to checkout. The steps consist of the following:

- Step 1: The Student contacts his/her RA and schedules a check-out appointment.
- Step 2: The Student completes a checklist of closing items. The checklist is posted on residence hall doors, delivered to students by email, and/or posted on the College website and/or intranet student portal. The checklist includes such things as cleaning the room, removing personal belongings and trash, fastening and locking all doors and windows, and cleaning common areas (for which students are jointly responsible).
- Step 3: At the scheduled check-out appointment time, the student reviews the closing checklist items with his/her RA. The student signs the closing checklist at that time and may leave campus.
- Step 4: When moving out, the student's RA will complete the check-out portion of the student's Room Condition Report ("RCR"). The student will also turn in his/her key(s) to the RA at that time.

Closing Inspections. Members of the Residence Life and Housing Staff will check every room upon securing the building for the break period. Students are responsible for any missed checklist items, housing contract violations, and/or Social Code

violations observed in their room during these room checks. The same process applies when a student moves out of a room.

Closing Fines. Room damages and/or failure to follow check-out requirements or Community Standards can result in students being charged with a fee for non-compliance and/or cleaning, repair, or replacement of certain items/areas. If the student fails to clean and remove all belongings/trash, the student will be assessed a cleaning fee. Failure to comply with these duties will also result in forfeiture of part or all of any caution deposit paid by the student (where applicable).

Notice of Closing Fines. Campus Life posts campus-wide break closing and move-out fines within ten (10) College business days of the closing or move-out, unless otherwise communicated by Campus Life. Students do not receive a personal notice of fines. Instead, students should check their accounts online (my.brevard.edu) after the specified fine-posting timeframe to review any “holds” or balances that have been placed on or that appear on their accounts. The holds will include any fines assessed at the time of check-out or move-out. Campus Life will also send a general notification to all students, via email, that fines have been posted.

Appealing Closing Fines. After each campus-wide break closing or move-out, students may appeal closing or move-out fines by emailing halldirectors@brevard.edu with a written explanation for the appeal. Closing fine appeals must contain the following email subject line information: *Fine Appeal + Student Name + Student ID Number + Student Room Assignment*. For example, a header would read: *Fine Appeal, Jane Doe, #123456, South Village 2, Room 24*.

All appeals must be submitted within ten (10) College business days of the fines being posted, unless the deadline is modified through Campus Life’s general notification of closing fines or through specific instructions for a move-out. Appeals of fines for a given check-out or move-out period will not be considered after the appeals deadline relevant to that check-out or move-out period has passed.

RESIDENCE HALL MAINTENANCE REQUESTS AND DAMAGES

Residents are encouraged to submit requests for service/repairs to halls or rooms to their RA or HD. In the event of damages/vandalism (not normal wear and tear), charges will be assessed to a specific student or students (see Alterations/Vandalism Policy), and additional sanctions may be applied through the Social Code Review Process. When damage/vandalism charges are assessed that students do not agree with, they may appeal the charges by contacting the Director of Housing and Residence Life within ten (10) College business days of the fines being added to the student’s account. Appeals received after the timeframe specified will not be accepted. Appeals of sanctions issued through the Social Code Review Process must be pursued through the appeals procedures outlined in that section of the Student Handbook.

RESIDENCE HALL ROOM ENTRY AND SEARCHES

The College regards room entry for purposes of improvements, maintenance, recovery of unauthorized College-owned property, and fire and safety, as necessary for the health and general welfare of all residents. There are also times when, in the course of investigating or otherwise dealing with an incident where Community Standards or other college policies are suspected of being violated, Residence Life and Housing Staff and/or Campus Security may search a student’s residential room, bathroom, or other living area. If the student is present and denies the ability to search, the DFS (or designee) may authorize a search (or pre-authorize types of searches) regardless of the student’s consent. Additionally, if a student is not present to consent, the DFS (or designee) may still authorize a search.

As part of this policy, Health and Safety inspections will occur several times each semester and will be conducted by Residence Life and Housing Staff. Inspections may or may not be announced in advance of an inspection date.

During inspections, Residence Life and Housing Staff will check for the following:

- General fire safety issues (presence of prohibited items and issues, such as candles, incense, fireworks, flammable chemicals, etc.);
- Unapproved cooking items, appliances, etc.;
- Firearms/weapons;
- Fireworks/Firecrackers;
- Overloaded electrical circuits or cords providing multiple extension sockets (other than a single, six-socket surge protector per outlet);
- Unsafe wall hangings or floor coverings (e.g., wall hangings covering smoke detectors or too close to lights);
- State property not registered as legally purchased (e.g., road signs);
- Common area furniture in a room/residence;
- Electrical cords in floor walkways or under carpeting;
- Prohibited pets or evidence of prohibited pets;
- Unsanitary room conditions or excessive trash;
- Unapproved loft-type beds, loft structures, and/or waterbeds;
- Illegal drugs or drug paraphernalia; and
- Alcohol in prohibited areas

Any violation of College policy or of Federal, State, and/or Local law that is witnessed during the inspection will be dealt with appropriately. Improper or hazardous items may be confiscated and turned in to Campus Security or Campus Life. Residents who have improper or hazardous items in their rooms, or whose rooms or conduct violates health/safety standards, College policies, and/or Federal, State, or Local laws, may be subject to health and safety fines (typically \$25 per violation) and/or the Social Code Review Process and sanctions. In some cases, Residence Life and Housing Staff may also re-inspect an offending room at a later date to facilitate compliance.

ROOMMATE DISPUTES

In disputes between roommates, the offending roommate, as determined by housing staff, may be required to move. In instances where both are offenders, both may be relocated when judged to be in best interest of the community.

REMOVAL FROM COLLEGE HOUSING

The DFS will be the final authority on what constitutes behavior that would remove a student from College housing and may, at any time, inform the student (or have a designee inform the student) that the privilege of residency has been withdrawn. In these cases, the student must vacate the premises within twenty-four hours of notice, unless some other time frame is communicated. For example, the DFS may determine that an immediate vacancy is necessary if the student is considered a danger to his/her self or others. When the residency privilege is withdrawn, the DFS or designee informs (both verbally and in writing) the student and guardians (for underage students) of the loss of residency. Upon being removed from housing, students forfeit all deposits and monies for that semester.

LIVING OFF CAMPUS

As stated above (see the “Living On Campus” section), students may apply to live off-campus. However, no change in residency shall take place until the student has received written approval from the Office of Housing and Residence Life. The criteria for living off campus are defined more fully below.

GENERAL ELIGIBILITY

General Criteria. Written approval to live off campus may be granted for students who:

- (1) Are married,

- (2) Are commuting daily from the primary home of their legal guardians within Transylvania County or a 50 mile radius from Campus,
- (3) Have a documented medical exemption (explained more fully below), and/or
- (4) Otherwise meet the following eligibility requirements:
 - Have a cumulative grade point average (“GPA”) of 2.75 or higher,
 - Are free from Academic and/or Disciplinary Probation, and
 - Have completed six (6) semesters on campus.

Student-Athletes. In addition to qualifying under the general criteria above, student-athletes must also have written approval from the Athletic Director for off-campus living.

Family Housing. Due to limited space availability and student housing configurations, the College is currently unable to offer housing for students with spouses and/or families. Limited exceptions may be made for students whose spouses are also enrolled at Brevard College and who also meet the criteria for living on campus.

MEDICAL EXEMPTIONS

Except as otherwise required by law (for example, pursuant to the Americans with Disabilities Act, as amended), appeals to live off campus on the basis of a medical need must meet the following criteria:

- The medical need must be compelling, such as post-hospitalization with ongoing care;
- There are requirements for special medical equipment which cannot be met in campus housing; or
- There is a need for special care attendants to help the student.

Conditions such as social anxiety, mild depression, and cognitive impairment typically are not considered to be compelling reasons to gain approval to live off campus. Students wishing to pursue this avenue need to include documentation from treating physicians and/or other medical professionals. They must also agree to full medical disclosure with Campus Life. The medical records from a treating physician must include a proposed treatment plan for ongoing care while the student is at Brevard College. Students without such recommendations will not have their appeal considered.

FINANCIAL AID IMPACT

All students who are approved to live off campus will have their financial aid readjusted. In general, this may mean that the student will see a decrease in financial aid. Conditions will vary by student, and all students are encouraged to talk to personnel in the Financial Aid Office before submitting an appeal.

DEADLINE TO APPLY

To apply to live Off-Campus, a student must fill out the application and submit it to the Director of Housing and Residence Life. Campus Life will communicate any deadlines for submitting applications by email or website notification to all students.

ACCESS/USE AND IDENTIFICATION POLICY

This policy refers to the access and/or use of the College’s or another’s name, identity, or property; the College’s facilities; and one’s own student identification. While this policy is broad in scope, it is important to note that it is related to the idea that name, identity, and property are to be used in a responsible way and only by those that are allowed to do so.

COLLEGE NAME AND LOGO

While the College encourages students to promote the College name appropriately, it is never appropriate to use the College name or logo without the permission of the appropriate College Official. Any improper/illegal use of the College name for any event/activity without advance permission may be unlawful and may lead to discipline or appropriate legal action. If a student has any questions, please contact the DFS.

STUDENT NAMES, IDENTITIES, ID CARDS, LOGINS, ETC.

It is never appropriate to use, misuse, or abuse another person's name, identity, or items related to their name/identity (such as ID cards, computer login information, etc.).

A student may not misrepresent him/herself to College Officials acting in the course of their duties. This applies to misusing College ID cards and/or refusing to show a College ID card. Students must present their College ID card when asked and to access College facilities and services. It is the student's responsibility to have his/her College ID with them at all times. This includes having his/her Brevard College ID to eat and use his/her meal plan in the dining hall. If a student forgets or loses his/her ID, s/he will be able to get three temporary passes per semester. After those three passes are used, or any time that a student loses his/her card and requires a replacement ID card, the student will be charged for the replacement.

COLLEGE FACILITIES, AND COLLEGE AND STUDENT PROPERTY

Brevard College encourages students to utilize all that the College has to offer as well as to promote a culture of sharing amongst students. However, it is never appropriate to misuse or abuse College property/facilities or to use/abuse another person's property without their consent.

Students may not:

- Gain or try to gain access to unauthorized areas on Campus, including both locked/secured areas as well as those areas that would or could pose detrimental risks to a student's health or safety (College roofs, trees and/or walls, fountains, etc.);
- Occupy any College facility that has not been reserved through the Office of Scheduling, Summer Conferences and Special Events;
- Misuse College property under any circumstances;
- Duplicate College keys and/or to possess or utilize College keys that are not assigned to them; and/or
- Move or tamper with College property that is not related to their assigned residence hall room furniture.

ALCOHOL POLICY

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.

Brevard College does not condone or condemn the responsible and legal use of alcoholic beverages. The decision to drink or not to drink is a personal one, but must be made within the context of federal and state law, and College policy. Drunkenness, intoxication, and intoxicated conduct (commonly defined by slurred speech, erratic behavior and physical coordination difficulties) are never responsible or acceptable behaviors. Such cases will be dealt with through the Social Code Review Process, regardless of age.

MANDATORY ALCOHOL EDUCATION

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

All entering Brevard College students are required to complete an alcohol and drug education program within six weeks of arriving on campus. The program is designed by AlcoholEdu to educate students about the effects and dangers of abusing alcohol.

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, and/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 may also 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 some 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-one (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 dealer 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.
- It is illegal to consume alcoholic beverages or possess open containers of alcoholic beverages in or on 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.

POSSESSION ON CAMPUS

Age and Location. Students may not possess or consume alcohol on campus, except for students 21 and over, strictly in the privacy (meaning not visible to others) of a Green Hall, North Village, or South Village residence hall room, and provided that no one under the age of 21 is present or residing in the room. No alcohol is allowed on Campus in common areas of any residential facility or outside of residential facilities. Students in the presence of alcohol that are either underage or in an area where alcohol is not allowed will be in violation of the alcohol policy.

Type of Alcohol. Assuming the other criteria for possession are met, the following types of alcohol are allowed on campus:

- Beer,
- Cider, and
- Wine.

Regardless of age and location, the College does **not** allow the following on campus:

- Liquor or spirits (such as vodka, whiskey, rum, tequila, or liquers), or
- Fortified wines (such as sherry and port).

MISUSE/ABUSE OF ALCOHOL

If a student engages in the following behaviors while under the influence of alcohol, s/he is deemed to have misused/abused alcohol, regardless of age, in violation of the alcohol policy:

- Verbal or physical abuse;
- Disorderly conduct;
- Intimidation, verbal abuse, or harassment;
- Infringements of the rights of others;
- Failure to comply with a directive from a College official;
- Property damage;
- A single episode of intoxication where the DFS believes that the level of intoxication posed a risk to the student's health or well-being;
- Recurring episodes of intoxication; and/or
- Any behavior that violates the Social Code.

ADDITIONAL VIOLATIONS

Additionally, any and/or all of the following are violations of the Alcohol Policy (regardless of age):

- Possession of alcohol in any area outside of permitted areas on Campus;
- Participating in drinking games;
- Organizing College events that have alcohol present;
- Public drunkenness/intoxication on or off Campus;
- Consumption of alcoholic beverages in any College vehicle or College-sponsored vehicle;
- Illegal possession, manufacturing, or distribution of alcohol on or off Campus;
- Providing alcohol to individuals under twenty-one (21) years of age; and/or
- Possession of kegs, pony kegs, and/or other devices and rapid consumption devices anywhere on Campus.

OFF-CAMPUS CONDUCT

The College cannot possibly monitor all conduct, especially including conduct that occurs off campus. However, the College does not condone any behavior involving alcohol, whether on or off campus, that constitutes or contributes to violations of the Social Code. Such behavior may constitute a violation of this policy. Additionally, alcohol is not permitted at any College-sponsored events or activities, whether on or off campus.

REFERRALS TO ASSISTANCE PROGRAMS

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.

ADVERTISING AND MARKETING OF ALCOHOL

The College does not permit students to advertise or promote alcohol on Campus, including, but not limited to, the display of empty containers, signage, etc. within the residence halls.

ALTERATIONS/VANDALISM POLICY

Students shall not make any alterations to residence hall rooms, residence hall common areas, or other college property without authorization from the College. Alterations may result in the student's loss of his/her caution deposit (if applicable) and/or the imposition of substantial fees billed to the student's College account.

The following is a non-exhaustive list of examples that constitute improper or unauthorized alterations:

- **Removal of Furniture.** Removal of College furniture from a hall, room, and/or common spaces;
- **Lofts and Other Structures.** Building of loft-type beds or other structures;

- **Wall Painting/Damage.** Painting, marking, or marring walls in any manner;
- **Unapproved Mounts.** Affixing appliances or consumer goods, such as televisions, to the wall;
- **Inappropriate Displays.** Hanging items from or outside of windows, or displaying inappropriate signage (for example, rebel flags); and/or
- **Tampering.** Tampering with fire safety systems, electrical fixtures, and/or emergency activation systems (for example, blue safety lights). A false activation of a designated emergency call box includes, but is not limited to, mechanical or electronic failure, malfunction due to installation, accidental activation by a person or intentional false activation by a person. Intentional, false activations will be investigated in accordance with North Carolina General Statute 14-286.2: Interfering with emergency communication.

Shared Responsibility for Damages. When the person(s) responsible for damage to College property in a common or public area cannot be identified, the cost to replace/repair damages will be divided equally between the residents present during the incident of damage or otherwise to residents of the hall, unit, or building. For damages within a room or suite, the roommates or suitemates may be held jointly accountable. In a case of shared responsibility, the only way fines will be removed is in the event that the actual responsible party comes forward or is identified and determined to be responsible.

A failure to take responsibility, and the allowing of members of a hall, unit, or building to pay for damage, is tantamount to theft. If common area damage is determined to have been caused by one or more specific individual(s), but the individual(s) did not claim responsibility for the damage, the responsible student(s) will likely be charged with a Social Code violation.

Intentional and/or Severe Damages. In cases of intentional or severe damages, students may be charged with a violation of the Social Code.

Damages to Another’s Property. In cases of damage to another person’s property, students may be charged with a violation of the Social Code. Sanctions are discussed more fully in the Sanctions section but may include reimbursement to the owner of the property.

Trash/Waste Management. Students are responsible for placing trash and other waste in the proper containers in designated areas for pickup and disposal. Residential students are responsible for maintaining cleanliness and orderliness within their own rooms, and for assisting with maintaining cleanliness and orderliness of all residence hall common areas and perimeters. Residence Life and Housing Staff and/or Campus Security Staff may search trash to determine ownership of or responsibility for trash. In the event the trash cannot be identified, residents of a given hall, unit, or building may be charged a minimum fee, jointly.

In these instances, all members of the designated area/community that are charged will have the amount billed to their student account. There is no appealing this fee once placed. The only way this fee will be removed is in the event that the actual responsible party comes forward or is identified and determined to be responsible.

BARBECUE/GRILL USE POLICY

Students may not bring or utilize any type of grill on campus for individual use. Registered student organizations, other campus units, or person(s) wishing to use a Campus barbecue grill for any event or purpose must request and receive written permission from a Campus Life staff member at least three (3) Campus business days prior to use.

Written approvals must be kept on-site and produced, upon request, at all times throughout or after an event. Failure to produce an approval constitutes a violation of this policy. The College also reserves the right, through staff or designees, to make site visits, obtain more specific information on an event/use, and provide further recommendations based on the circumstances of each individual event/use.

The following safety requirements must also be met for any grill usage on campus.

GENERAL SAFETY AND REQUIREMENTS FOR ALL GRILLING

- A single person must be designated as the responsible person for starting the grill, remaining with it the entire time, and ensuring it is put out before leaving the grill.
- The single, designated person in charge of grilling must keep water available at the site throughout the entire use of the grill. Fire extinguishers must also be readily available when using the grill.
- Grills shall be used on a firm, flat, stable surface.
- Grills shall not be used indoors, on elevated platforms or balconies, or in covered areas. This includes, but is not limited to, any structure equipped with an overhang.
- Grills shall not be used within 40 feet of any structure, except as might be the case for permanent, fixed grills.
- Grills shall be placed a safe distance from event attendees and out of paths of travel.
- Loose clothing should not be worn when grilling.
- Flame-retardant mitts should be used when cooking or handling any part of a grill.
- The grill shall never be left unattended.
- Long utensils should always be used to reduce risk of injury.
- Grills shall not be relocated once the fire has been lit or the grill is hot.
- Food should be cooked thoroughly and properly so as to avoid food-related illnesses.
- Grills shall be cleaned completely after use and returned in the same condition as or better condition than received. This includes a full cleaning of all cooking surfaces and apparatuses and of any college-provided utensils.
- Grills shall be returned, along with any/all other borrowed items, to the designated storage location.

ELECTRIC GRILL SAFETY

- Grill cords, plugs, or heating elements shall not be immersed or exposed in water or other liquid.
- Grills shall not be used in the rain.
- Grills shall not be used near combustible or flammable materials.
- Operators shall visually inspect cord, plug and all connections for damage and wear prior to grilling.
- All knobs shall be in the OFF position when the grill is not in use; when cooking is complete; and/or when unplugging or plugging the grill into an electrical outlet.
- Grills shall be unplugged from electrical outlets prior to cleaning them and/or when not in use.
- To ensure protection against risk from shock, electric grills should be connected to a ground fault circuit interrupter (GFCI).

CHARCOAL GRILLING SAFETY

- Only charcoal may be used in the grills.
- Charcoal may be pretreated with starter fluid by a manufacturer (for example, Kingsford Matchlight charcoal). However, no liquid starter fluid, gasoline, kerosene, flammable liquids, propellants, etc. shall be used prior to, in preparation for, or during grilling, or otherwise stored by students on Campus, at any time.
- Once the grill has been started, pretreated charcoal may not be added to the grill.
- Students are responsible for purchasing their own charcoal and matches (or lighter). Charcoal shall be stored with Campus Life, unless otherwise approved in writing. During use, the unused charcoal shall be kept away from heat and open flame at all times, and in a well-ventilated area. Unused charcoal must remain in the original bag at all times, which must be kept closed to avoid evaporation of petroleum distillates. Manufacturer's instructions for use must be followed and are ordinarily printed on the side of the bag.
- Students shall not use an electric or chimney-style starter.
- Grills are generally ready for cooking use when the charcoal is almost ashed over (about 20 minutes after lighting).
- Because charcoal produces carbon monoxide fumes, charcoal grills shall not be stored indoors until the charcoal is completely extinguished and disposed of.
- Water must be used on the charcoals to ensure full extinguishment. Using caution (as sudden steam and spattering may result), the coals must be doused and extinguished before the grill is left unattended.

- As a precaution, charcoals should be given plenty of additional time to fully extinguish (a minimum of 48 hours). After permitting the coals sufficient time to cool, charcoals should be placed in a plastic bag, tied up, and placed in a metal dumpster.

GAS GRILLING SAFETY

- The manufacturer's instructions shall be followed when connecting or disconnecting a gas grill.
- All grill tubes/hoses shall be checked for any form of blockage, cracks, leaks, brittleness, and/or sharp bends. If any of these signs or features are present, the grill may not be used until a Campus Life staff member or designee has addressed any leaks, damages, and/or replacement needs by following the manufacturer's suggestions.
- The propane cylinder shall be checked to ensure that it does not have any dents, gouges, bulges, leaks, rust, and/or other damage. If any of these signs or features are present, the grill may not be used until a Campus Life staff member or designee has replaced the cylinder.
- Gas grills shall be used in a well-ventilated area.
- Lit cigarettes, open flames, and other sources of external flame/high-heat away shall be kept away from the gas grill.
- Propane cylinders shall always be used in a secured, upright position and must be stored in the same manner by Campus Life or area designated by Campus Life
- Propane cylinders must have an over-fill prevention device.
- Propane cylinders may not be stored or allowed to remain in a hot car or area that can be exposed to high heat. High temperatures will force the gas pressure to increase and possibly open the relief valve, filling the area with gas.
- Control knobs for gas grills must remain in the OFF position prior to igniting, when in storage, and at all other times when not in use.
- When the grill is not in use, the knob on the propane cylinder must remain in the OFF position, as well.
- If the gas grill fails to light on the first ignition attempt, the burner control must be turned off to allow gas to dissipate prior to trying again.
- If the fire on the burners of the gas grill goes out while in use, all knobs must be turned to the OFF position. The lid must be opened for at least five minutes before relighting the grill is attempted.
- Gas grills shall always be started with the lid in the open position. Gas can collect if the lid is down, creating risk of an explosion when the grill is lit.

What to do if a Gas Grill is Leaking. Liquid Propane is an odorless gas. Ethyl Mercaptan is an ingredient added to propane, which permits it to have an odor. The added ingredient allows the user to recognize that the propane cylinder is leaking. A "rotten egg" smell indicates a gas leak. In the event of a leak, do not turn electric switches off or on, light matches, or do anything that could ignite gas. Immediately get all people out of the area. Close the valve on the propane tank. Turn the knobs on the grill to the OFF position. Do not turn valves on or re-enter the area until the leak has been corrected. Call Campus Security or Emergency Services (911), if and as necessary or required.

OTHER GENERAL SAFETY CONSIDERATIONS

The College assumes no responsibility for injuries or damages incurred during grilling. While we strive to provide safe and well-supervised activities, there is an inherent risk for physical injury and/or death in all activities involving high heat, flames, and/or combustibles. It is highly recommend that all persons take the necessary precautions in order to avoid injury or damage to self, personal property, or College property. All injuries, damages, or hazards that occur during grill use should be immediately reported to Campus Safety and to Emergency Services (911), if and as necessary or required.

BICYCLE STORAGE POLICY

Students must keep all bicycles at a designated indoor or outdoor bicycle rack, or inside their room (where permitted). Fire code prohibits the storage of bicycles in hallways, lounges, stairwells, and porches. Residence Life and Housing Staff and/or Campus Security may impound and store bicycles found in these areas, cutting off locks if necessary. The college may dispose of bicycles left in or on campus property at the conclusion of the academic year.

DISORDERLY CONDUCT POLICY

To have a safe, comfortable, cohesive community that is centered on respect for one another, the College will not tolerate conduct that is lewd, indecent, obscene, or disruptive on College-owned or controlled property or at a College-sponsored or supervised function. Thus, for example, students may not:

- Take any action which is disorderly, lewd, or indecent;
- Be found in a grossly intoxicated state;
- Take or participate in any action that creates hazardous conditions and/or disrupts normal College activity;
- Damage or vandalize College or another's property;
- Use speakers or other sound amplifying equipment without clearance to time and place;
- Publish, print, and/or post anything online or through other means with the intention of disseminating such information without being recognized as an official College student publication or through permission of Campus Life as a recognized student club/organization/group;
- Organize or participate in any protest on College property without gaining permission from the DFS. Guidelines for reasonable time, place, and manner will be discussed with the DFS and appropriate parties. In general, protests may not interfere with the academic and educational mission of the College and must be peaceful at all times. Any parties engaged in protest that ultimately violates the guidelines established through the agreement with the DFS and appropriate parties will be asked to terminate all activity at once. Violators will be subject to the Social Code (if students) or will be referred to local law enforcement for trespassing.

DRUG POLICY

The College does not permit the use or possession of any drugs (or drug paraphernalia), unless they are prescribed under doctor's orders or standard over-the-counter (OTC) medicines used in accordance with directions. If a student is convicted in a court of law for possessing or selling illegal drugs while receiving Federal student aid, the student's future eligibility to receive such aid may be impacted. Under such circumstances, students should contact the Office of Financial Aid to discuss continuing aid eligibility.

The College considers the following as violations of its drug policy:

- Violations of any federal, state, or local law concerning drugs (including, but not limited to, laws described below in the "Laws Concerning Illicit Drugs" section).
- The successful or attempted unlawful manufacture, use, possession, distribution, dispensation, and/or sale of narcotics and drugs in any form, other than by proper prescription (where applicable).
- Improper use/storage of OTC and prescription medications. OTC and prescription medications shall be stored in original containers with complete instructions for use, dosage, warnings, and expiration date. Any person in possession who cannot claim appropriate ownership will be in violation of this policy.
- Possession of drug paraphernalia on or off Campus. In instances where such paraphernalia is questioned, Campus Security and/or Law Enforcement will consult with the DFS as to the final authority over such property.

Whenever the presence of illegal drugs is discovered on College property, law enforcement will be advised. This policy insures that the College is in compliance with any and all federal, state, and local laws.

Additionally, a "positive" result from a drug test administered through the Athletics Department (as per NCAA guidelines) constitutes a violation of this policy. When a positive drug test of this nature is discovered, the Athletics Department is responsible for referring the student who tested positive to Campus Life for administration of the Social Code Review Process.

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 drug and drug-related violations is provided below. The fact that this list is non-exhaustive does not

exonerate individuals from responsibility for their actions as it relates to other illegal drugs, nor does it preclude the College from taking steps to address other improper or illegal activity (such as through counseling services, referral systems, and/or the Social Code Review Process).

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

- **Controlled Substances and Paraphernalia.** The manufacture, sale, 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. Generally, 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.
- **Marijuana Possession.** 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.
- **Cultivation of or Intent to Sell Marijuana.** 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.
- **Possession of Schedule 1 Narcotic.** Possession of a Schedule 1 narcotic for a first offense is a class D felony. 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/Trafficking of Schedule 2 Narcotic.** Possession of a Schedule 2 narcotic for a first offense is a class A misdemeanor. 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. Trafficking of narcotics or marijuana within one-thousand (1000) yards of any school is a class D felony.

OFF-CAMPUS CONDUCT

The College cannot possibly monitor all conduct, especially including conduct that occurs off campus. However, the College does not condone any behavior involving drug use, whether on or off campus, that constitutes or contributes to violations of the Social Code. Such behavior may constitute a violation of this policy.

REFERRALS TO ASSISTANCE PROGRAMS

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.

ADVERTISING AND MARKETING OF DRUGS

The College does not permit students to advertise illicit or illegal drugs or drug use on Campus, including, but not limited to, the display of signage, paraphernalia, etc. within the residence halls.

BIAS, HARASSMENT, STALKING, HAZING, AND ASSAULT POLICY

All Brevard College students are responsible for maintaining an environment in which all individuals are treated with respect. No college community can be free from fear when students participate in actions that threaten or endanger others through such behaviors as intimidation, physical threats, or physical violence. The College strictly prohibits all such actions as well as the following unacceptable behaviors:

- **Bias, Discrimination, and Hate.** An incident of discrimination, hate, or bias involves any intentional or unintentional act or behavior directed toward an individual or group based on any facet of the individual's or group's identities. Incidents may take the form of, but are not limited to:
 - Graffiti or signs
 - Threatening physical and digital communications

- Written or verbal slurs or threats
 - Telephone harassment
 - Confrontation, physical or verbal
 - Gestures
 - Physical injury
 - Damage to property
- **Harassment.** Harassment is unwanted behavior, generally verbal (written or oral) or physical in nature, that has the intent or effect of unreasonably interfering with a person's educational/work performance and/or which creates an intimidating, hostile, or offensive educational, living, work, or social environment. Harassment can take many forms. Examples of harassment include:
 - **Peer harassment**, which involves persistent, intentional degradation, intimidation, or abuse of another person.
 - **Quid pro quo harassment**, which involves abuse of one's power, authority, or position such that:
 - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; or
 - Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual's welfare.
 - **Hostile environment harassment**, which involves conduct that substantially interferes with an individual's educational, work, social, or living environment.
 - **Discriminatory harassment**, which involves conduct of an offensive, demeaning, intimidating or hostile nature based on actual or perceived race, creed, color, religion, sex, gender identity, gender expression, sexual orientation, national or ethnic origin, citizen status, disability, veteran status, or other protected status.
 - **Stalking.** Stalking is generally any unwanted pattern of behaviors that causes extreme discomfort, fear, and/or emotional disruption, and/or that threaten another person's mental or physical health and safety.
 - **Hazing.** Hazing generally encompasses any intentional, negligent, or reckless action, activity or situation, whether physical, mental, emotional, and/or psychological, which subjects one or more person(s), voluntarily or involuntarily, to abuse, mistreatment, degradation, humiliation, harassment, embarrassment, or intimidation, or which in any fashion compromises his/her/their inherent human dignity. Any action or situation that results in the destruction or removal of College property, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in a group or organization, may also be considered hazing. Acts of hazing may be committed under the guise of tradition or unity development, or may be unofficially encouraged by group pressures. The College may consider acts that resemble hazing as actual acts of hazing.

If, at any time, individuals have questions regarding activities they have planned, they are responsible for checking with the Associate Dean for Student/Civic Engagement for guidance regarding the content of the activity. The Associate Dean for Student/Civic Engagement can help make a determination as to whether the activity includes hazing content. All student organizations are responsible for the actions of their group members, and all group members or individuals are responsible for vigilance in their examination of their actions regarding other group members or individuals. Organizations can also receive sanctions as part of the conduct process.

In matters of hazing within athletics organizations, the NCAA also has strict guidelines and policies that may apply to students who are also athletes or considering athletic eligibility. Questions related to NCAA guidelines/policies on hazing should be referred to the College's Athletic Director.

- **Assault.** Assault is a crime of violence against another person or may also refer to threats of violence against another through an immediate show of force. Assault can also be any intentional, physical contact with another person without their consent. Examples of assault include, but are not limited to, physical assault (fighting, kicking, biting, etc.) and emotional assault (threats of violence or harm through a show of force, etc.).

Law Enforcement Involvement. In situations where a student reports assault, stalking, harassment, or threats of any of the same, the College will contact law enforcement and/or encourage the student to file a report with law enforcement (depending on the situation and any immediate threat posed).

Related Policies. Discrimination, harassment, or any other incidents or acts of bias based on gender, gender identity, and/or gender expression, or that are based on sex or are sexual in nature, or incidents of stalking behavior or dating, domestic, or intimate partner violence, are addressed and governed by the handbook section below on Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence.

Reporting Incidents, Generally. Students who experience or are aware of violations of this policy are encouraged to contact an appropriate campus resource, including, but not limited to, a member of the Residence Life Staff (Hall Directors, RAs, and/or Senior RAs), Campus Security, the Associate Dean of Students, and/or the DFS.

Reporting Incidents Involving Bias. For additional information on reporting bias incidents, please see the above Civil Rights and Equal Opportunity Policy section of this handbook.

FAILURE TO COMPLY POLICY

To help create and sustain a cohesive community, College Officials (including student staff) acting within the performance of their duties should always respect other members in the community but should also be given respect when they are performing their duties. Therefore, students are not allowed to:

- **Fail to Comply.** Fail to comply with any reasonable and lawful request of College Officials;
- **Fail to Appear.** Fail to appear before any College Official, as summoned, without proper excuse (as deemed by College Officials);
- **Falsify Information.** Furnish false oral, written, or other information in response to any reasonable or lawful request of College Officials, or in a malicious or bad faith manner to support fabricated or false reports of policy violations; or
- **Documentation/Record Issues.** Forge, alter, duplicate, or deliberately misrepresent any information, record, or instrument related to College ID cards, medical forms, parking decals, and/or any other official College document or property.

FIRE SAFETY POLICY

General Violations. Violations of College fire safety regulations include:

- Starting a fire (other than an authorized recreational fire) or creating a fire hazard, such as possessing or using fireworks/firecrackers, etc.;
- Improperly using fire pits (see “Recreational Fires Policy” for more information)
- Tampering with smoke detectors, alarm systems, fire extinguishers, or other fire response or safety devices;
- Obstructing smoke detectors;
- Overloading electrical circuits, chaining together expansion cords/surge protectors/devices, or using multiple socket expansion cords/surge protectors/devices per outlet (other than a single, six-socket surge protector per outlet);
- Failing to evacuate buildings/rooms during fire drills; and/or
- Possessing or using materials that are not permitted on Campus (for a full list, contact the Office of Residence Life and Housing).

Prohibited Items. The College reserves the right to impose reasonable requirements with respect to the type and use of appliances or equipment students may bring into the residence halls. In addition to fines and/or other sanctions, violations of this policy may result in offending items being confiscated and held (for 90 days maximum, subject to disposal by the College) until the items can be removed from campus. If students have questions about specific items not listed, they are directed to Residence Life and Housing Staff for clarification. Items NOT permitted are:

- Air conditioners, including free standing units;

- Microwaves over 600 watts;
- Hot plates, deep fryers, turkey fryers, and slow cookers/crock pots;
- Coffee makers (except disposable cup brewers, such as Keurig Brewers);
- Griddles, grills, or toasters;
- Refrigerators with internal dimensions larger than 4 cubic feet;
- Space heaters;
- Electric blankets;
- Open fire or open coil appliances;
- Halogen lamps, heat lamps, heated air fresheners, candles, incense, or oil lamps;
- Extension cords with multiple outlets (other than a single, six-socket surge protector per outlet);
- Christmas trees; and/or
- Any other source of open flame or burning.

Microwaves, refrigerators, microfridges, hair dryers, and other such appliances must be plugged directly into the wall outlet rather than a power strip.

GAMBLING POLICY

The College recognizes that there are many opportunities to partake in competitive activities on Campus, and that certain games may be associated with gambling (for example, bingo or poker). While activities and games may be popular, gambling, wagering, and betting for exchange of money and/or for any other value is not permitted.

Activities excluded from this policy are those that are organized and sanctioned by Campus Life and/or Athletics, where there is no exchange of money, and where there are no violations of any local, state, federal, or NCAA regulation or law.

JOINT ACCOUNTABILITY POLICY

Students may be subject to situations in which they find themselves under tremendous peer pressure to participate. However, part of having a tremendous amount of freedom is accepting responsibility, taking ownership of one's decision-making, and not being influenced by peer pressure. In instances where an incident that has violated the Social Code has occurred, there are participants and there are non-participants. Nonetheless, everyone present has some responsibility for their role/presence at that moment in time. This is where Joint Accountability comes into play.

Joint Accountability exists when a student, who is not an active participant, has:

- Facilitated or allowed the existence of a behavior that violates the Social Code to exist or continue;
- Failed to remove himself/herself from the situation;
- Failed to report a behavior that violates the Social Code;
- Had an incident occur in his/her residential area (room/suite/unit), whether present or not (unless it can be determined that he/she had no knowledge of the violation); and/or
- Had an incident occur in or with his/her property (notably a vehicle) (unless it can be determined that he/she had no knowledge of the violation).

DOORS/KEYS POLICY

Issuance of Keys. Upon check-in or room relocation, each resident is issued one key (or door code) to his/her residential room and, depending on the residence hall, possibly a key (or door code) to his/her building/unit entrance door.

Personal Use and No Duplication. Each key and/or door code is for personal use, only, and may not be given to or shared with other residents or guests. In addition, it is against College policy to duplicate College keys and/or to possess or utilize College keys that are not assigned to the student.

Securing Rooms/Common Areas. Students are responsible for carrying their keys and for securing their rooms and common areas. Room doors and common area doors should be locked/secured at all times to prevent theft and other safety/security risks. For example, common area doors should not be propped or otherwise modified to result in their remaining open or unlocked. The College assumes no financial responsibility for lost or stolen property. Please immediately contact Campus Security or an RA if made aware of a theft or intrusion.

Lock-Outs. If a student does not have his/her key and is locked out of his/her room, he/she may request the assistance of Campus Security or a Housing and Residence Life Staff member to obtain entry into the room upon providing identification. After the first week of classes each semester, each subsequent key-in may result in a fee being charged.

Temporarily Misplaced Keys. If a room key becomes temporarily misplaced, students may seek assistance from Campus Security, Housing and Residence Life Staff, or Campus Life. If a student borrows a temporary lock-out key and does not return that key within twenty-four hours (or other timeframe agreed upon with a Campus Life Staff Member), the lock may be re-keyed, and new keys issued, at a cost to the student.

Lost/Stolen Keys. If a room key is lost or stolen, the lock will be re-keyed at a cost to the student. If a security door key is lost, the student will be charged for a replacement security door key. Keys must be returned at checkout or whenever there is a change in a student's residential status with respect to a given building/unit/room.

MANDATORY HALL/FLOOR MEETINGS POLICY

At times, it may be necessary to call for a mandatory floor, hall, unit, and/or building meeting for residents. In these situations, the residents of the designated areas are responsible for the information presented at these meetings. Failure to attend and/or follow-up with a RA and/or Senior RA may result in sanctions.

NOISE POLICY

All areas of campus are part of the overall academic mission of the campus. In residence halls, for example, students have the right to study and rest peacefully in their room at any time of the day, regardless of specified quiet hours.

COURTESY HOURS

The college expects students to be respectful of others and abide by a general noise policy of 24-hour "courtesy hours." Students must always respond to requests for quiet from College employees or fellow students. If a violation of a student's right to sleep, study, or equally enjoy his/her residential space occurs, he/she should: 1) Speak to the person or persons causing the disturbance and ask them to quiet the noise. If this does not work, 2) Contact the on-duty RA or hall/unit RA. If this is not effective or possible, the person should 3) Contact Campus Security.

QUIET HOURS

During quiet hours, expectations are heightened such that any noise from inside a room or other area that can be heard from the equivalent of "two doors down" or from outside of the building (including loud gatherings/parties, yelling, or loud music) is likely a violation. Quiet hours are as follows:

- Weeknights (Sun - Thur nights) – 10 p.m. to 8 a.m.
- Weekends (Fri and Sat nights) – 12 a.m. (Midnight) to 8 a.m.
- Last week of classes through the end of finals - 24 hours a day

Incidents of inappropriate noise, repeated disturbances, and/or a disrespectful response to a request for reduction in noise will be treated as serious violations of community standards. Please see "Courtesy Hours" above for steps to take when another student is violating Quiet Hours.

PET POLICY

No pets are allowed in residence halls, except common aquarium fish. "Visiting" pets are not permitted. Professional live-in staff members are allowed to have pets with the approval of the DFS.

POSTING, ADVERTISING, AND SOLICITATION POLICY

GENERAL POSTING GUIDELINES

Any and all items for general posting or publicity must be approved by the Office of Campus Life and other offices/individuals, depending on the location(s) of the posting. The approval process requires a minimum of three (3) College business days for review and approval.

Campus Life Approval.

To receive approval:

- E-mail a copy of your posting, publicity, etc. along with the proposed posting dates and locations to the Associate Dean for Student/Civic Engagement & Marketing (mellengm@brevard.edu). Postings should be sent as an Adobe Acrobat or .PDF file. A stamp of approval will be placed directly onto the document and sent back for printing and posting, subject to any additional approvals required.
- For postings which are already printed, visit the Office of the Associate Dean for Student/Civic Engagement & Marketing in Campus Life.
- For digital displays, follow criteria specified under the "Digital Displays" section below.
- For other types of publicity, please review the subcategories below or contact the Associate Dean for Student/Civic Engagement & Marketing.

Additional Building Approvals. Following an approval from Campus Life, postings or other types of publicity inside campus buildings require additional approval from an appropriate administrator for a given building. For approval, e-mail a copy (or bring a hardcopy) of a Campus-Life approved posting or a Campus Life written approval to the Administrative Assistant for a given building or division housed within the building. Additionally, bring proposed posting dates and locations. Additional, written authorization (such as through email) is required in order to post the signage.

Additional Residence Hall Approvals. Following an approval from Campus Life, postings/publicity inside residence halls should be additionally approved by either the Director of Housing and Residence Life or by the Hall Director for a given residence hall.

Posting/Publicity Guidelines. All materials, postings, displays, etc. to be posted must adhere to the following general guidelines:

- **Sponsor Details.** The club/organization/individual sponsoring the event must have its name and contact information (phone number, e-mail, website, and/or postal address) visibly on the front of all publicity materials (posters, banners, fliers, yard signage, etc.).
- **No Closed Events.** Promotion for closed events must be by invitation and may not be done through the open posting or open distribution of posters, fliers, banners, etc.
- **Material/Display Size.** Postings are to be no larger than 14" x 22", unless otherwise approved through Campus Life and additional offices/individuals (as required above). Other types of publicity should conform to sizes specified in this policy or by the Associate Dean for Student/Civic Engagement & Marketing.
- **Compliance with Other Policies.** All postings, publicity, etc. may not promote violations of the Social Code or violate any other College policies, including those that may address specific types of postings, advertisements, etc. (such as the College's Alcohol and Drug policies, Athletic Department policies, and Communications and Media Relations Department policies). Students should contact the appropriate departments with any questions/concerns about department-specific policies.

- **Respectful Materials.** Publicity must not degrade groups or individuals.
- **Right to Reject.** Campus Life reserves the right to reject materials if they fail to comply with College guidelines and/or are deemed inappropriate.
- **Designated Posting Areas.** Posting is only allowed in designated areas. At the time of requesting approvals, individuals must identify all areas where they intend to post materials. Postings are only permitted where expressly approved.
- **Designated “No Posting” Areas.** Unless expressly approved in writing by Campus Life, no material shall be posted or affixed at any time to or on vehicles, trash cans, trees, sidewalks, support columns, lamp posts, building exteriors, benches, vending machines, telephone poles, windows, or doors.
- **Posting/Removal Responsibility and Deadlines.** The party receiving posting approval is responsible for posting the material and removing the posted materials. Approved materials may be posted no more than 2 weeks prior to an event and must be removed within 48 hours of the event.
- **Existing Material.** Posting over or removing existing material is prohibited.

Mailbox Stuffing. Mailbox stuffing is not permitted unless approved, in writing, by the Associate Dean for Student/Civic Engagement & Marketing. If approved, mailbox stuffers must comply with any/all requirements communicated by the Associate Dean.

Table Tents. Table tents are not permitted unless approved, in writing, by the Associate Dean for Student/Civic Engagement & Marketing. If approved, tents may be no larger than 4”x6” and must comply with any/all requirements communicated by the Associate Dean.

Digital Displays. The College owns and operates digital display monitors on campus. Students may contact the Associate Dean for Student/Civic Engagement & Marketing for more information about use of and marketing on the video screens. All submissions are subject to approval by the Associate Dean and are subject to the following:

- Accepted format for images: JPG format
- Accepted size of images: 720 pixels wide by 520 pixels high
- All submitted content will rotate through screens. Rotation time is dependent on the number of images in rotation.
- Submitted content should be high quality so as to appear smooth.

DISTRIBUTION/SOLICITATION

The College has a “No Solicitation” policy. Solicitations and promotions are not permitted on campus grounds nor in campus buildings, including residence halls. The distribution (handing out to passers-by) of commercial information is prohibited. Noncommercial, informational materials may be distributed by students or recognized student organizations, provided the student(s) or student organization(s) receive prior, written approval from the Associate Dean for Student/Civic Engagement & Marketing. Any person not associated with the College who tries to solicit others on Campus without appropriate approval from Campus Life should be reported at once to Campus Security for trespassing.

CHALKING

Chalking is reserved only for or must be sponsored by recognized student organizations, college divisions/departments, academic units, faculty, staff, or students. Chalking must adhere to the following guidelines:

- **Only Sidewalks.** Chalking is permitted only on concrete sidewalks where the rain can wash away the residue.
- **No Covered Areas.** Chalking under covered areas is prohibited.
- **No Horizontal/Vertical Chalking.** Chalking is not permitted, under any circumstances, on horizontal or vertical parts of any campus building or structure, including, but not limited to, steps, entry ways, porches and patios, posts, pillars or columns.
- **No Liquid/Spray.** No liquid or spray chalks are allowed.

BANNERS

Banners are typically temporary forms of advertising or signage that are printed or produced on lightweight material, such as cloth/plastic, butcher paper, or poster boards. They are often but not always hung by a pole, light fixture, ropes, or hooks, or from windows. Banners are intended to serve as a means to communicate events to the College community, and as such should be temporary and clearly event-related.

Student display of banners is by approval, only. To receive approval, contact the Associate Dean for Student/Civic Engagement & Marketing. In addition, banners must adhere to the following conditions:

- **Responsibility and Deadlines.** The party receiving banner approval is responsible for displaying the banner and removing the banner. Unless otherwise specified, approved banners may be posted no more than five days prior to an event and must be removed within 48 hours of the conclusion event.
- **No Damage.** Banners must be hung in a manner that does not damage College property.
- **No Obstruction.** Banners must not cover windows or obstruct views into a building.

YARD SIGNAGE

Student use of informational and/or directional yard signage is by approval, only. To receive approval, e-mail a copy of your signage along with the proposed posting dates and locations to the Associate Dean for Student/Civic Engagement & Marketing. In addition, signage must adhere to the following conditions:

- **Responsibility and Deadlines.** All yard signs may not be posted longer than 24 hours in advance of an event and must be removed by the student or sponsoring program or department within 24 hours following the completion of the event.

RECREATIONAL FIRES POLICY

Brevard College requires strict adherence to its recreational fires policy. Written approvals described below must be kept on-site and produced, upon request, at all times throughout or after an event. Failure to produce an approval constitutes a violation of this policy. The College also reserves the right, through staff or designees, to make site visits, obtain more specific information on an event/use, and provide further recommendations based on the circumstances of each individual event/use.

All recreational fires on campus shall abide by the following:

1. Fires may only be held within the confines of the designated fire pit in the Village residential quad, or if approved, in writing, by a Campus Life professional staff member, within the confines of another designated fire pit.
2. Only campfires of a small, reasonable size are permitted. No larger fires (e.g., "bonfires") are permitted.
3. Students are responsible for providing their own firewood.
4. Only natural cut wood and small brush may be burned.
5. No leaves, garbage, lumber, pallets, treated wood, sawdust, or other materials may be burned.
6. No accelerants may be used, including, but not limited to lighter fluid, gasoline, kerosene, propane, etc.
7. A single person must be designated as the responsible person for starting the fire. This person must remain with the fire the entire time and ensure that it is completely put out when the event is finished.
8. Water for extinguishment must be readily available at the site throughout the entire event. The volume of water should be adequate to extinguish the size of the fire.
9. At least 24 hours prior to an event, the lead, organizing person must obtain express, written approval from a Campus Life professional staff member to hold the recreational fire.

10. Between 24 to 48 hours of the event, the organizing person must contact the Federal Fire Management Office – Pisgah District (828-877-3350) to ensure that we are not in a dry period (i.e., a period in which open flame fires are not permitted in the county). If we are in a dry period, the fire shall not be held.
11. Even if not in a dry period, the College requires use of extreme caution when weather conditions result in a lack of rain for more than one week and/or high temperatures that result in dry conditions.
12. On the day of the event, during business hours and prior to starting the fire, the lead, organizing person shall contact the Brevard Fire Department (828-883-3333) to provide notice that a campfire will be held on campus.
13. All campfire activities must conclude by 12:00 AM, unless an authorizing Campus Life professional staff member expressly provides otherwise in writing.
14. Individuals attending a recreational campfire are expected to exercise their best judgment concerning safety. Individuals must comply with all other policies outlined in the student handbook, including, but not limited to, policies addressing alcohol use, noise, quiet hours, and courtesy hours. Horseplay of any sort will not be tolerated. Students found taking unnecessary risks or putting others at risk of undue harm will be subject to disciplinary action.

The College assumes no responsibility for injuries or damages incurred during recreational fires. While we strive to provide safe and well-supervised activities, there is an inherent risk for physical injury and/or death in all activities involving recreational fires. It is highly recommend that all persons take the necessary precautions in order to avoid injury or damage to self, personal property, or College property. All injuries, damages, or hazards that occur during a recreational fire should be immediately reported to Campus Safety and to Emergency Services (911), if and as necessary or required.

RETALIATION POLICY

Retaliation is generally any adverse action against a student who reports a violation of a College policy, files a complaint, assists someone in reporting or filing a complaint, and/or participates in an investigation or hearing of a complaint or incident, where the intent of the action is to intimidate, coerce, or otherwise deter the student from exercising his or her rights. Retaliation includes, but is not limited to, verbal threats, physical abuse, or different treatment because of the student's exercise of his/her rights. Retaliation is strictly prohibited.

SERVICE AND SUPPORT ANIMALS POLICY

Brevard College is committed to assuring equal access for disabled students, staff, and faculty, as well as guest and visitors to the campus. The College permits service and support animals, as respectively defined and required under applicable federal, state, and local laws, and has implemented policies that are designed to facilitate assuring equal access while addressing health and safety concerns, including within the residence halls. A student must contact the Disability Services Office if he or she wishes to request allowance of a service or support animal. Disability Services will review with the student the College's complete policy on Service and Support Animals and ensure that the student meets all legal and College requirements necessary to qualify for the allowance. Adherence to these policies and requirements is essential to support a foundation of understanding, comfort, and security that makes the College a welcoming and accessible place for all.

To view the complete Service and Support Animals Policy, please visit Disability Services online at:

my.brevard.edu/ICS/Offices/Campus_Life/Disability_Services/

SPORTS AND ACTIVITIES IN/AROUND RESIDENCE HALLS

Because of the increased likelihood that damage will occur to buildings and students' personal belongings, students are not allowed to play any type of sports within a residential building (including rooms, lounges, hallways, and other common areas). This includes, but is not limited to, football, baseball, wiffle ball, soccer, or any other ball sport; frisbee or other throwing sports; riding a bicycle or skateboard; using rollerblades or skates; running recklessly; and wrestling or play-fighting.

If a student intentionally or accidentally damages any part of a residence hall while engaging in a sport or activity, the student will be responsible for paying any associated cleanup, repair, and/or replacement costs. Depending on the nature of the conduct, student(s) may also be charged with a violation of the Social Code.

THEFT/ATTEMPTED THEFT POLICY

One of the biggest deterrents to community building and trust is attempted or actual theft of personal or College property. Students are never allowed to (or attempt to):

- Take without permission or be in possession/receipt of property that belongs to someone other than him/herself;
- Receive or possess by any means property that he/she knows or has reason to believe is stolen; and/or
- Sell/exchange stolen property or property he/she believes is stolen.

SMOKING, VAPING, AND SMOKELESS TOBACCO POLICY

While the College respects the rights of smokers and smokeless tobacco users, smoking and/or vaping is only allowed in designated outdoor areas marked on Campus. Smokeless tobacco (chew, snuff, dip, etc.) may not be used in College buildings. Hookahs are not allowed anywhere on College or College-controlled property and will be confiscated.

VIOLATION OF ANY OTHER FEDERAL, STATE, OR LOCAL LAW POLICY

Any violation of any local, state, or federal law, whether on or off campus, is a violation of the Social Code and may result in disciplinary action.

VISITATION/COHABITATION POLICY

Occasionally, problems arise because of visitors in a residence hall or room. The College defines a visitor as any person, including another Brevard College student, who has not been assigned to live in the residence hall or room at issue. Visitors are subject to all College regulations while on Campus. Any visitor must be approved (see "Approval Required" below), have his/her ID, and comply with College Officials at all times.

Accompaniment by Host at All Times. When visiting a resident's room or hall, the visitor must always (i.e., at all times) be accompanied by the host resident, who is responsible for his/her visitor's behavior. Any non-Brevard College student visitor who is unescorted may be asked to leave the Campus immediately and may lose future visitation rights. Additionally, residents who leave visitors unescorted may also lose visitation privileges, as Campus Life may suspend residence hall visitation privileges individually, by room, by suite, or by hall/unit/area, if violations justify such action.

Approval Required. All visitation is subject to the approval of roommates, suitemates, and/or hall/unit-mates, depending on the nature of the visitation. Any resident who has a concern about a visitor to his/her room, suite, hall, or unit must let the person(s) hosting the visitor know of the issue and reasons for concern. In cases where the resident has sensitive safety or security concerns, the person may escalate directly to Campus Security, Housing and Residence Life Staff, and/or Emergency Services (in the case of imminent threat to health/safety).

Removing Visitors and Resolving Disputes. Where reasonable concerns have been shared with a host student, the host must escort his/her visitor out of the residence. A host's failure to comply with a reasonable request may be reported to the Residence Life and Housing Staff. The host student may be subject to disciplinary action as a result of violating the visitation policy. If a host student feels that concerns/requests are unreasonable, he/she may contact his/her RA or the RA on Call for assistance in mediating the dispute. If a resident is found to be unreasonable in the situation, a visitation contract will be established and/or appropriate room changes will be made (if possible).

Underage Guests. Anyone under the age of 18 (unless they are a Brevard College student) cannot stay overnight in any residence hall, regardless of the night of the week. Additionally, anyone under the age of 12 is never permitted to be a visitor at any time in any residence hall unless they are accompanied by an adult parent/guardian at all times.

Cohabitation. It is a violation of the visitation policy if there is evidence of cohabitation. Cohabitation exists when a person not assigned to a particular room/suite/unit ("area") uses that area as if he/she were living there. Cohabitation is not limited to overnight visitation and includes, but is not limited to, personal belongings of a person not assigned to the room/suite remaining in the room and/or the person staying for long durations of time. Campus Life will determine if cohabitation exists based on evidence presented. Should issues arise, there will be a presumption of cohabitation where a person not assigned to the area has stayed overnight for three or more nights within a week or more than five nights in a month.

WEAPONS POLICY

Brevard College does not condone the possession or use of weapons on Campus. Anyone possessing, attempting to possess, or using a weapon on Campus will be in violation of the Social Code and may be reported to local law enforcement.

Weapons are defined as any object or substance designed to cause reasonable apprehension of physical harm to any person, inflict a wound, cause injury, incapacitate, or damage personal property. Specific weapons include, but are not limited to, firearms, facsimiles of firearms, explosives, knives (with blades 3" inches or longer), switchblades, box cutters, mace, etc.

Questions concerning whether an object is classified as a weapon or not should be addressed to the DFS and/or Director of Safety, Security, and Risk Management. The College reserves the right to confiscate anything it deems hazardous or dangerous. Students found in possession of weapons may be placed under Interim Suspension pending further investigation.

SANCTIONS

Disciplinary sanctions for violation of the Social Code may be determined by existing policies or procedures or designed through the Social Code Review Process. Relevant factors include, but are not limited to:

- Compensating the community for harm incurred;
- Restoring relationships and trust within the community;
- Protecting the community by deterring subsequent violations;
- Helping the student become a positive contributor to the quality of life on campus;
- Supporting the growth and development of students;
- Whether a student engaged with the Social Code Review Process; and
- Whether a student has prior disciplinary history.

Certain sanctions are recommended below for certain conduct violations and are often applied for such violations. However, sanctioning is generally an open process in order to account for the nature and severity of, and circumstances surrounding, a specific violation. This listing is offered to help students understand some of the types of sanctions that 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 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. Where violations lead to Suspension/Expulsion, the decision cannot be appealed.

CENSURE

A formal notice that becomes part of the student's education record and disciplinary history noting the student violated the Social Code.

Except for an "Informal Warning," or unless otherwise specified at the time sanctions are issued, any other sanction(s) issued under this "Sanctions" section also become part of the student's education record and disciplinary history, regardless of whether a "Censure" was expressly issued as a separate sanction.

DISCIPLINARY ADVISING CONFERENCE/WORKSHOP

The student will be required to attend a conference/workshop intended to assist the student with his/her understanding of the nature of the infraction and importance of the Social Code. The conference/workshop may include a discussion of strategies to help the student avoid repeating the infraction. This meeting may be held individually or as part of a group.

DISCIPLINARY PROBATION

Students may be placed on Disciplinary Probation for serious, multiple, or repeated offenses. The conditions of probation will be specified in writing to the student and may also be shared with the student's parents/guardians (subject to any requirements or limitations under federal, state, and/or local laws). Failure to comply with the conditions of probation may result in additional sanctions, up to and including Suspension or Expulsion from the College. 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 the term of the probationary period or they will be required to meet with the DFS (or designee). At that time, the DFS (or designee) will discuss the alleged violations of the Disciplinary Probation. If the student is found in violation of the charges as determined by the DFS (or designee), he/she will be subject to further sanctions, up to and including Suspension/Expulsion.

EDUCATION

Educational sanctions are designed to help a student with personal development and typically identify how his/her actions have impacted or could impact the College and community.

FINES

A student may be assessed fines for misconduct.

HOUSING RESTRICTIONS

A student may be restricted from accessing one or more residence halls, placed on housing probation, and/or have his/her housing privileges terminated temporarily or indefinitely.

As part of these restrictions, a student may be given a stated period of time to recover some or all housing privileges, so long as his/her conduct during that time (either generally, or according to specified criteria provided to the student) establishes that he/she should be permitted to remain in, return to, or have access to College housing.

INFORMAL WARNING

The student may be given notice that he/she has violated College policy and that further misconduct may result in more severe disciplinary action.

MODIFICATION OF "GOOD STANDING" STATUS

In student conduct terms, "Good Standing" status generally indicates that a student, duly enrolled in the college, has no misconduct-related restrictions that would preclude his/her participation in or enjoyment of any privileges and/or benefits of enrollment. A student is presumed to be in good standing unless the student forfeits that status by established misconduct.

While various types of misconduct may result in a restriction of privileges or benefits, a modification of "good standing" is typically reserved for and issued in connection with misconduct that results in probationary or greater sanctions (up to and included suspension/expulsion).

A student no longer in "Good Standing" will remain as such until a specified period ends, specified criteria occur (such as all probationary terms being met), or the DFS (or designee) returns the student to a status of good standing.

REFERRAL FOR EVALUATION/REQUIRED TREATMENT

Upon review of an infraction or pattern of infractions, the DFS (or designee) may require a medical, mental health, or substance abuse evaluation by an outside agency. This evaluation may be a requirement for continued enrollment and will be at the student's expense. Although the DFS (or designee) must approve of the agency or individual providing the

evaluation, the student may generally select any recognized and appropriately licensed individual or agency. This evaluation must be released to the DFS (or designee), if requested.

Following a referral for evaluation, the DFS (or designee) 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. In these situations where Suspension/Expulsion occurs due to failure to comply, there is no ability to appeal the Suspension/Expulsion decision.

RESTITUTION

Restitution is used to provide compensation for loss, damage, or injury. Restitution typically takes the form of monetary payment, material replacement, and/or required community service.

RESTRICTION OF PRIVILEGES

The student shall be denied certain privileges (such as access or participation rights) for a stated period of time.

RESTORATIVE JUSTICE

Restorative Justice is a collaborative decision-making process, typically involving Complainants/Victims, Respondents/Offenders, and others impacted or seeking accountability, where the objective is to have the Respondent (1) accept and acknowledge responsibility for his/her offenses, (b) to the best of his/her ability, repair the harm caused to victims and communities, and (c) work to reduce risk of re-offense by building positive social ties to the community.

Restorative Justice is driven by the philosophy that it can help people understand the harms of a situation and the obligations that result. The needs and interests of the Complainant/Victim are of concern, as is the importance of the Respondent/Offender understanding and taking responsibility for causing harm.

Restorative Justice can be used to alleviate tensions, mediate situations, and/or facilitate resolution in matters where there is disagreement. Outside groups/individuals (such as community mediators) may be used to conduct a restorative justice session, in which case all associated expenses/costs will be incurred by the Respondent/Offender.

Restorative Justice will not be considered in cases of sexual assault, sexual misconduct, or other cases involving violence under the Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence policy.

SOCIAL SUSPENSION

A student placed on Social Suspension may have her/his College involvements, privileges, access, etc. restricted, suspended, or eliminated for a designated period of time. For example, a student may be restricted from participation in athletics, leadership and honors programs, student activities, and student organizations. The DFS (or designee), in consultation with other appropriate College personnel, will determine the scope of Social Suspension on a case-by-case basis. Determinations may turn on the nature and/or severity of the violation, the student's prior conduct record, and other discretionary factors.

SUSPENSION OR EXPULSION FROM THE COLLEGE

Students who are Suspended/Expelled shall be given formal notice in writing by the DFS (or designee). The Suspension/Expulsion will be identified as either immediate or delayed (such as at the end of the semester). Appeals of

Suspensions/Expulsions follow standard or policy-prescribed appeals procedures, except that Administrative Withdrawals and Suspensions/Expulsions resulting from failure to comply with a referral for required evaluation/treatment or from violation of a Behavioral Contract are not appealable.

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

On the date that a Suspension/Expulsion becomes effective, the student shall be required to leave the campus immediately (unless otherwise specified) and remain off of the Campus property during the full 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 visit the Business/Finance Office and Financial Aid Office, respectively.

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

SANCTIONING GUIDANCE

The College recommends to hearing and appellate bodies that specific sanctions be given for certain, determined behaviors/actions and policy violations. The sanctions, while suggested, are not mandatory. To the extent they are adopted, they represent a "minimum" suggested sanction for a given violation. Extenuating circumstances and the nature and severity of a violation, regardless of whether it is a first-time or repeat violation, may call for further or higher level sanctioning. Also, the totality of a student's disciplinary history should be taken into account when sanctioning is administered. The College generally recommends that sanctions be educational in nature, when appropriate, for the student's growth and development. Further, the College's sanctioning guidelines and policies are not substitutes for any criminal sanctions that may be issued by or through law.

FIRST VIOLATION

Once informal warnings have been administered (for example, if a student has been approached about being noisy in the residence hall, he/she may be informally warned by an RA), the first documented charge and determined violation of a policy should result in a minimum sanction of Censure.

SECOND VIOLATION

Repeat Offense - If a violation is a repeat offense of the same type of violation, the minimum suggested sanction is an Educational Sanction and Behavioral Contract or Disciplinary Probation.

Non-Repeat Offense - If the second violation is not a repeat offense of the same type, the minimum sanction should be a Censure.

THIRD VIOLATION

Repeated Offense for Third Time - If a violation is a repeat offense of the same type, and the violation has been repeated three times, the minimum suggested sanction is Disciplinary Probation and/or Suspension/Expulsion (particularly if the student is already under a Behavioral Contract or on Disciplinary Probation).

Repeated Offense for Second Time - If this is a third-time violation, but it's only a repeat offense of one prior violation, see "Second Violation" suggestions.

Non-Repeat Offense - If the third violation is not a repeat offense of any prior violation of the same type, the minimum sanction should be a 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 (Censures). In such a case, the College suggests a minimum sanction of a Behavioral Contract or Disciplinary Probation.

SUGGESTED SANCTIONS FOR CERTAIN POLICY VIOLATIONS

The following are guidelines to assist with sanctioning decisions involving certain types of policy violations.

VIOLATIONS WHERE DAMAGES OCCUR

In situations where damages occur, it is minimally recommended that restitution is made.

SUBSTANCE POLICIES, GENERALLY

In situations where the alcohol and/or drug policies are repeatedly violated and/or if the violation is of a detrimental nature to the student (or others), it is minimally 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. For students under 21, the College may also (and is authorized by FERPA to) notify parents/legal guardians of substance violations.

*Note—for each year that a student goes without being found in violation of the Alcohol Policy, the College suggests that the student be given the benefit of a lower, progressive violation status for the newly repeated offense. For example, if a student acquires two Alcohol Policy violations in his/her first year of enrollment at the College but completes his/her second year without an Alcohol Policy Violation, the College suggests treating the student as if he/she has decreased in violation level from a "level two" back to a "level one." If the student goes yet another year without an Alcohol Policy Violation, he/she may be treated as if there is a "clean slate" for assessing the severity of a new alcohol sanction. However, for purposes of education records and disciplinary history, Alcohol Policy violations would remain part of those records and history, regardless of how the violations are treated (or effectively "rolled back") for sanctioning purposes.

ALCOHOL POLICY VIOLATIONS

The following sanctions will be used as guidelines for alcohol policy violations and are not requirements. For example, more severe alcohol policy violations (e.g. use of excessive amounts of alcohol) may call for sanctions outside of the sequence below.

- **First Offense:** Censure, Completion of AlcoholEDU or other educational sanctions within an allotted time frame, and Substance Education Fine of \$100

- **Second Offense:** Substance Education Fine of \$150 and Parental Notification (for students under 21)
- **Third Offense:** Disciplinary Probation
- **Fourth Offense:** Suspension or Expulsion

Additional, suggested sanctions for a given alcohol policy violation include, but are not limited to, assignment of community service hours, housing access restrictions, restriction of other privileges, etc.

DRUG POLICY VIOLATIONS

The following sanctions will be used as guidelines for drug policy violations and are not requirements. For example, more severe drug policy violations may call for sanctions outside of the sequence below.

Possession of Drugs/Drug Paraphernalia

- **First Offense:** Five Class Day Suspension
- **Second Offense:** Ten Class Day Suspension
- **Third Offense:** Suspension or Expulsion

Drug Trafficking

- **First Offense:** Expulsion

Additional, suggested sanctions for a given drug policy violation include, but are not limited to, required enrollment and active participation in a drug counseling and rehabilitation program as a condition of continued enrollment or readmission, eviction of a residential student from student housing, assignment of community services hours, restriction of other privileges, etc.

VIOLATIONS INVOLVING BIAS, HARASSMENT, STALKING, HAZING, ASSAULT, SEXUAL MISCONDUCT, OR INTIMATE PARTNER VIOLENCE

If a student violates a policy concerning bias, harassment, stalking, hazing, assault, sexual misconduct, or intimate partner violence, it is highly recommended that the following sanctions being considered during the course of making a decision:

- Referral for Evaluation
- Behavioral Contract
- Disciplinary Probation
- Housing Restrictions/Restriction of Privileges
- Suspension/Expulsion
- Revocation of Admission, Degree, Honors, Awards, Privileges, and/or the Right to Receive Any of the Same

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, meet the terms of any sanction, or meet sanction requirements within an allotted time periods, may result in further disciplinary actions, including, but not limited to, fines, a Behavioral Contract, Disciplinary Probation (generally for a period of up to six months), and/or other additional sanctions. By the expiration of any allotted time period, the student may be required to complete any new or original sanctions, as directed by the DFS (or designee).

If a student is already on Disciplinary Probation and fails to comply with the sanctions, the student will need to meet with the DFS (or designee) immediately. Upon this meeting, the student may receive a modification to his Disciplinary

Probation (given that there may have been circumstances or misunderstandings that prevented the student from completing his/her sanctions) or be subject to Suspension/Expulsion. In this situation, Suspension/Expulsion sanctions are not appealable.

If the student fails to attend a required conduct-related meeting while on Disciplinary Probation, or if the student receives modifications to his/her Disciplinary Probation and fails to comply with the directives, the student may be Suspended for a period of at least one semester and/or Expelled. In such cases, Suspension/Expulsion sanctions are not appealable.

GENDER DISCRIMINATION & HARASSMENT, SEXUAL MISCONDUCT & HARASSMENT, STALKING, AND INTIMATE PARTNER VIOLENCE

It is Brevard College's policy to maintain a safe environment for students, faculty, and staff. The College has enacted this Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence policy to address discrimination, harassment, and other incidents or acts of bias that are based on gender, gender identity, and/or gender expression; acts that are based on sex or are sexual in nature (including, but not limited to, acts of sexual harassment, sexual misconduct, sexual assault, non-consensual sexual contact or intercourse, and sexual exploitation); stalking; dating, domestic, and intimate partner violence; and retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to conduct covered under this policy.²

Sexual assault or sexual misconduct are unique in their physical and mental impact upon a victim. When such incidents or any other incidents under this policy occur at Brevard College, they constitute flagrant violations of College standards that will not be tolerated. The College expects its community members to treat other persons with respect and dignity. This policy is intended to reflect and maintain the College's institutional values and community expectations, to provide for fair and equitable procedures for determining when this policy has been violated, and to provide recourse for individuals and the community in response to violations of this policy.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title IX, Title VII of the Civil Rights Act of 1964, and other applicable statutes. This policy prohibits sexual harassment against community members of any sex, sexual orientation, gender identity, or gender expression in the context of education or employment. This Policy also prohibits gender-based discrimination or harassment that does not involve conduct of a sexual nature.

Upon receipt of a report, or if the College reasonably should know of harassment that creates a hostile environment, the College will take prompt and equitable action to eliminate the prohibited conduct (if any), prevent its recurrence, and address/remedy its effects, even if the harassment occurred off campus or is reported by a third party.

In addition, the College will fulfill its obligations under the Violence Against Women Reauthorization Act of 2013 ("VAWA") amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") in response to reported prohibited conduct.

Sexual misconduct and other prohibited acts under this policy can encompass a broad range of behavior, including conduct that may be criminal in nature. Any individual who has been the target of criminal misconduct, including, but not limited to, sexual assault, stalking, or intimate partner violence, has the option to make a report to Campus Security or local law enforcement, to initiate the College's internal complaint procedures, to do both, or to do neither.

Any student, faculty member, or staff member who is formally determined to have violated the Gender Discrimination & Harassment, Sexual Misconduct & Harassment, Stalking, and Intimate Partner Violence policy will be disciplined by the College and, in many circumstances, may be prosecuted under North Carolina's criminal statutes. Whether or not a criminal prosecution occurs, the College retains the right to proceed with disciplinary action at any time, and the College

² Other forms of prohibited discrimination, harassment, and bias are also discussed in the "Civil Rights and Equal Opportunity Policy" and "Community Standards" sections of this handbook, including, but not limited to, discrimination, harassment, or bias based on actual or perceived race, creed, color, religion, sexual orientation, national or ethnic origin, citizen status, age, disability, veteran's status, or any other legally protected category.

need not await the dispensation of any such criminal prosecution. Appropriate disciplinary actions for students found in violation by the College may include, but are not limited to, counseling, educational sanctions, disciplinary probation, suspension, expulsion, and referral to the proper law enforcement authorities for prosecution. Faculty, staff, or students employed by the College that are found in violation of this policy may also face termination of employment.

The College strongly encourages all members of our community to take action to maintain and facilitate a safe, welcoming, and respectful environment on campus. The College expects that all College community members will take reasonable and prudent actions to prevent or stop prohibited conduct. The College strongly supports individuals who choose to take such action and will take measures to protect such individuals from retaliation.

All Parties to a complaint under this policy, concerning any of the prohibited conduct, are entitled to fundamental fairness in the handling of the complaint. Individuals are encouraged to immediately report any prohibited conduct, as further discussed below. The College's processes for investigating and responding to reported, prohibited conduct are also outlined more fully below. The College shall use best efforts to resolve reports under this policy fairly, efficiently, and within a maximum of sixty (60) calendar days, except as otherwise required or permitted by law, in consideration of any special or unusual circumstances. Any requirements for written notification under this policy will be carried out through College email, except that sensitive content (such as the Investigative Report discussed below) may be reviewed with individuals in person following an email invitation, either discretionarily or by the terms of this policy, and as permitted or required by law.

APPLICABILITY

This policy addresses reporting, investigation, and resolution procedures; available resources; and other procedures, guidelines, information, and considerations related to students who may experience or have experienced, or who are otherwise aware of or involved in an act of conduct prohibited by this policy. Faculty or Staff who may experience or have experienced a type of conduct discussed in this policy should refer to the Faculty Handbook, Staff Handbook, and/or other appropriate College policies or resources for support, guidance, and options.

LOCATIONS COVERED

This policy applies to all on-campus conduct and some off-campus conduct, described below. The College strongly encourages reports of prohibited conduct regardless of location. Even if the policy does not apply to the conduct because of its location, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

- **On-Campus Conduct.** This policy applies to conduct that occurs on-campus, including conduct which occurs on property owned or controlled by the College
- **College Programs.** This policy applies to conduct that occurs in the context of College employment or education programs or activities, including, but not limited to, study abroad or internship programs.
- **Off-Campus Conduct.** This policy applies to conduct that occurs off-campus and has continuing adverse effects on, or creates a hostile environment for, any member of the College community on-campus or in any College employment or education program or activity.

PROHIBITED CONDUCT – TERMS AND DEFINITIONS

The following definitions and discussions of prohibited conduct are offered to inform the Brevard College community of various types of offenses covered by this policy, including, but not limited to, several types of sex offenses that occur most frequently on college campuses. In instances where prohibited conduct constitutes more than one violation of the policy, an individual may allege one, multiple, or all violations of the policy, as applicable.

SEX OR GENDER-BASED DISCRIMINATION

The college prohibits sex or gender-based discrimination, which refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, gender identity, or gender expression.

HARASSMENT

The college prohibits harassment, which is unwanted behavior, generally verbal (written or oral) or physical in nature, that has the intent or effect of unreasonably interfering with a person's educational/work performance and/or which creates an intimidating, hostile, or offensive educational, living, work, or social environment. Harassment can take many forms and may be based on a person's protected status.

GENDER-BASED HARASSMENT

The college prohibits gender-based harassment, which is harassment based on sex, gender, sexual orientation, gender identity, or gender expression. Such harassment may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as gender-based harassment, the conduct need not involve conduct of a sexual nature.

SEXUAL HARASSMENT

The college prohibits sexual harassment, which is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise.

Generally speaking, sexual harassment can be divided into two types of conduct:

- **Quid Pro Quo Harassment.** Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic standing, or participation in any aspect of a College program or activity or is used as the basis for the College's decisions affecting the individual.
- **Hostile Environment.** A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Examples of conduct that may constitute Sexual Harassment may include one or more of the following:

- **Physical conduct**, including unwelcome touching; sexual/physical assault; impeding, restraining, or blocking movements; or unwanted sexual advances;
- **Verbal conduct**, including making or using derogatory comments, epithets, slurs, or humor; verbal abuse of a sexual nature; graphic, verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes, or invitations; or objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;
- **Visual conduct**, including leering; making sexual gestures; displaying suggestive objects or pictures, cartoons, or posters in a public space or forum; or severe, persistent, or pervasive visual displaying of suggestive, erotic, or degrading sexually-oriented images that are not pedagogically appropriate;
- **Written conduct**, including letters, notes, or electronic communications containing comments, words, or images described above; and
- **Quid pro quo conduct**, including direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering educational or employment benefits in

exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; or making or threatening reprisals after a negative response to sexual advances.

SEXUAL MISCONDUCT OFFENSES

The college prohibits sexual misconduct offenses, which include, but are not limited to:

1. Non-Consensual Sexual Contact (or attempts to commit same),
2. Non-Consensual Sexual Intercourse (or attempts to commit same), and
3. Sexual Exploitation.

Each of these is explained in detail below.

NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is:

- Any intentional sexual touching,
- By an individual upon an individual,
- That is without consent and/or by force or threat of force.

Examples include, but are not limited to: 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; or 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

Non-Consensual Sexual Intercourse is:

- Any sexual intercourse by an individual upon an individual that is without consent and/or by force or threat of force.

Examples include, but are not limited to: 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

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 taping 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; and sexually-based stalking and/or bullying.

STALKING

The College prohibits stalking, which occurs when a person engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

- A *course of conduct* consists of two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the individual being stalked.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Cyber-stalking is a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

Examples of Stalking include, but are not limited to:

- Non-consensual communication, including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a person;
- Surveillance and other types of observation, whether by physical proximity or electronic means; and
- Gathering of information about a person from family, friends, co-workers, and/or classmates.

To qualify as stalking, the conduct is not required to be sexual in nature.

DATING, DOMESTIC, AND/OR INTIMATE PARTNER VIOLENCE

The College prohibits all forms of Intimate Partner Violence and Relationship Abuse/Violence. These may include, but are not limited to, dating violence, domestic violence, or any acts of coercion, abuse, violence, or threats of violence between partners in a personal, intimate relationship. The coercive, abusive, violent, or threatening behaviors can be physical, sexual, psychological, verbal, and/or emotional, and may occur between current or former intimate partners who have dated, cohabitated, been married, or otherwise been involved in a sexual or other intimate relationship.

Intimate Partner Violence (or Relationship Abuse/Violence) may take the form of threats, assault, property damage, violence, or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate Partner Violence affects individuals of all sexes, sexual orientations, gender identities, gender expressions, races, social backgrounds, and economic backgrounds.

"Dating Violence" is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to such violence. Whether there was such a relationship will be determined based on, among other factors, the Complainant's and Respondent's statements, and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals.

"Domestic Violence" is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner; a person with whom the individual shares a child in common; a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner; a person similarly situated to a spouse of the individual

under the domestic or family violence laws of North Carolina; or any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of North Carolina.

RETALIATION

The college prohibits any and all forms of retaliation, including any retaliation that may relate to prohibited conduct under this policy.

Retaliation is any adverse action against a student who (1) reports discrimination, harassment, sexual misconduct, stalking, dating, domestic, or intimate partner violence, or other misconduct falling under this policy; (2) files a complaint or assists someone in reporting or filing a complaint; (3) participates in an investigation or hearing of a complaint; or (4) protests what he or she considers to be discrimination, harassment, sexual misconduct, stalking, dating, domestic, or intimate partner violence, or other misconduct falling 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.

PROHIBITED CONDUCT – RELATED TERMS AND DEFINITIONS

To provide clarity to all individuals as to the kinds of behavior prohibited under this policy, the College further defines key terms which the College will use in evaluating whether prohibited conduct has occurred.

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" or "stop" to sexual activity. 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 must create mutually understandable clear permission regarding the conditions of and willingness to engage in sexual activity.

The following also apply in evaluating presence of consent:

- Consent to any one form of sexual activity cannot automatically imply consent to any other form.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- The mere fact of a current or previous dating or sexual relationship, by itself, cannot constitute consent.
- Consent cannot be obtained by use of physical force, compelling threats, intimidating behavior, or coercion (see "Coercion" below).
- A person that is incapacitated, including incapacitation due to the influence of drugs or alcohol, cannot give consent (see "Incapacitation" below).

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 (see "Coercion" below) that overcome resistance or produce consent (for example – saying, "Have sex with me or I'll hit you," that results in, "Okay, don't hit me, I'll do what you want.").

There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity does not, by definition, require force.

INTIMIDATION

“Intimidation” is the use of implied threats to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.

COERCION

“Coercion” is the unreasonable, deceptive, or improper use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will. Consent obtained through coercion is not valid.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity.

Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression, and threatening to harm one’s self if the other party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive.

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.

The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (d) the duration of the pressure.

INCAPACITATION

“Incapacitation” is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically helpless. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition.

Incapacitation may result from the use of alcohol, drugs, or other medication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual’s: (1) decision-making ability; (2) awareness of consequences; (3) ability to make informed judgments; or (4) capacity to appreciate the nature and the quality of the act.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the Complainant was asleep or unconscious; (b) the Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity; or (c) the Complainant was unable to communicate due to a mental or physical condition.

Whether the Respondent reasonably should have known that the Complainant was incapacitated will be evaluated using an objective, reasonable person standard. The fact that the Respondent was actually unaware of the Complainant's incapacity is irrelevant to this analysis, particularly where the Respondent's failure to appreciate the Complainant's incapacitation resulted from the Respondent's failure to take reasonable steps to determine the Complainant's incapacitation or where the Respondent's own incapacitation (from alcohol or drugs) caused the Respondent to misjudge the Complainant's incapacity.

It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all Parties. If there is any doubt as to the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated by drugs or alcohol is no defense to any violation of this policy and does not diminish one's responsibility to obtain consent.

PROCEDURAL TERMS AND DEFINITIONS

The following terms are used throughout this policy's discussion of reporting, investigation, response, and resolution procedures.

PREPONDERANCE OF THE EVIDENCE

The standard used to determine responsibility in all cases under this policy will be the "Preponderance of the Evidence" Standard – i.e., whether it is more likely than not, considering the weight of the credible evidence, that the alleged violation(s) occurred.

This standard is not the same as the higher "Clear and Convincing" or "Beyond Reasonable Doubt" standards. There need not be a determination of high probability or certainty that a violation occurred.

COMPLAINANT

A "Complainant" is an individual who reports an experience of sex or gender-based discrimination, gender-based harassment, sexual harassment, sexual misconduct, stalking, or dating, domestic, and/or intimate partner violence. In the case of complaints that are pursued when the affected individual is unable or unwilling to participate in the process, the college may pursue the complaint, in which case the college shall be substituted in the role of the Complainant.

RESPONDENT

A "Respondent" is a student whose conduct is alleged to have violated this policy and whose conduct is being investigated.

PARTIES

The Complainant(s) and Respondent(s) in a given matter may be collectively referred to as "Parties."

INVESTIGATOR

An "Investigator" is an individual who has received specialized training in conducting investigations of matters covered under this policy, who has been assigned by the Title IX Coordinator to investigate an alleged violation of this policy. Investigators are neutral fact finders who, during the course of the investigation, typically conduct interviews with the Complainant, Respondent, and third party witnesses; take custody of any physical or electronic records or documents to be included in an investigation report; where applicable, visit and take photographs at each relevant site; and, where

applicable, coordinate with law enforcement agencies. Investigators also assess the credibility of witnesses in connection with fact-finding interviews.

Investigators prepare a written investigation report for the Title IX Coordinator, which may be used to determine whether to charge the Respondent with a violation of this Policy. The report may also be relied upon by the Hearing Panel in weighing evidence and resolving any such charges, subject to the rights of the Complainant and Respondent.

ADVISOR

An “Advisor” is any individual who provides the Complainant or Respondent support, guidance, or advice. The Complainant and Respondent may have the Advisor of their choice present during any meeting or proceeding related to complaint resolution under this policy. The Advisor’s role in any meeting or proceeding is limited to requesting reasonable breaks to confer privately with the advisee. Advisors may not record the meetings or proceedings, take notes, ask questions, or otherwise actively participate in meetings or proceedings. An Advisor may be an attorney, but any type of Advisor under this policy may still only perform the described, limited role at any College meetings or proceedings. At the student’s request, the College will provide a list of trained Advisors available to provide guidance and support to the student. Students are not required to choose an Advisor from the list.

HEARING PANEL

The “Hearing Panel” is composed of five members, one of whom shall be the Chair. The members are appointed and convened by the Title IX Coordinator, and are comprised of two or three full-time faculty members and two or three full-time staff members who have received training on hearing cases under this policy.

CHAIR (OF THE HEARING PANEL)

The “Chair” of the Hearing Panel shall preside over any meeting of the Hearing Panel. The Chair shall review the investigation report, statements made by the parties or witnesses, and other relevant materials gathered during the course of the investigation. The Chair determines whether the information is relevant and material to the determination of the charged violation(s) of this Policy and will redact (remove) information that is irrelevant, immaterial, more prejudicial than probative, and/or repetitive, as well as statements of reputation or of personal or expert opinion.

APPEAL OFFICER

The “Appeal Officer” is either the Vice President of Campus Life/Dean for Students or the Vice President of Business and Finance, depending on which administrator, in his/her role as Title IX Coordinator, primarily organized the response to alleged violations under this policy. The administrator that is not otherwise involved in a given matter will serve as the Appeal Officer for that matter. Alternatively, the President or an outside party or counsel may be designated to serve as an Appeal Officer, if deemed necessary or most appropriate for a given incident.

RESPONSIBLE EMPLOYEE

A “responsible employee” is a college employee who is obligated to report incidents of alleged misconduct under this policy to the Title IX Coordinator. Responsible Employees include faculty, Campus Life staff, Hall Directors, Housing and Residence Life student staff members, Campus Security staff, coaching staff, supervisors of student employees, Title IX and Deputy Title IX Coordinators, the President, and the Vice Presidents.

A Responsible Employee who receives a report must report all relevant details about the alleged misconduct to the Title IX Coordinator, including the date, time, and location of the alleged misconduct, and the names of the person who provided the report, the individual who experienced the alleged misconduct, the individual(s) accused of committing the alleged misconduct, any other students involved in the alleged misconduct.

TITLE IX COORDINATOR

As a recipient of Federal funds, Brevard College is required to comply with Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq. (“Title IX”). Title IX prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct is a form of sex discrimination prohibited by Title IX. The “Title IX Coordinator” is responsible for overseeing the College’s response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator also has responsibility for weighing a student’s request for confidentiality and determining whether interim measures and additional remedies are appropriate. The Title IX Coordinator is available to advise students about the courses of action available at the College and externally, including reports to law enforcement. Under Brevard College’s policy, the Title IX Coordinator also oversees the College’s response to reports of Stalking, Intimate Partner Violence, Dating Violence, and Domestic Violence.

DEPUTY TITLE IX COORDINATOR

The Title IX Coordinator(s) may be supported and assisted by one or more Deputy Coordinator(s). A Deputy Coordinator is available to receive reports under this policy; assist with and execute policies and procedures with respect to reports; perform any roles and functions of and designated to the Title IX Coordinator, as requested or assigned by the Title IX Coordinator; and act in the absence of the Title IX Coordinator(s).

TITLE IX TEAM

Based on the relationship of the Complainant and/or the Respondent to the College, the Title IX Coordinator may be supported by a small circle of individuals who have a “need to know” of any alleged prohibited conduct to effectuate this Policy. These individuals are collectively referred to as the “Title IX Team.”

BREVARD COLLEGE’S TITLE IX COORDINATORS

- Debbie D’Anna, Vice President for Campus Life/Dean for Students (Office: 828-884-8391; Cell: 606-627-1069; Email: dannadl@brevard.edu)
- Deborah Hall, Vice President of Business and Finance (Office: 828 884 8219; Cell: 828-506-0964; Email: dphall@brevard.edu) (where an alleged violation of this policy involves faculty, staff, or other non-student members of the Brevard College community)

BREVARD COLLEGE’S DEPUTY TITLE IX COORDINATOR

- Michael Cohen, Associate Dean of Students – Policies, Procedures, and Student Conduct (Office: 828-884-8366; Cell: 828-507-2712; Email: cohenmw@brevard.edu)

BREVARD COLLEGE’S TITLE IX TEAM

The following individuals (collectively, the “Title IX Team”) have received appropriate training to discharge their responsibilities:

- Title IX Coordinators (the Vice President for Campus Life/Dean for Students, and the Vice President for Business and Finance),
- Deputy Title IX Coordinator (Associate Dean of Students – Policies, Procedures, and Student Conduct),
- Vice President for Academic Affairs, and
- Director of Campus Safety, Security, and Risk Management.

HOW TO REPORT

Reports may be made internally within and externally to the college. These options are explored more fully, below.

INTERNAL REPORTING

Internally at Brevard College, the following options are available for reporting an act of discrimination, harassment, or other incidents or acts of bias that are based on gender, gender identity, and/or gender expression; acts that are based on sex or are sexual in nature (including, but not limited to, acts of sexual harassment, sexual misconduct, sexual assault, non-consensual sexual contact or intercourse, and sexual exploitation); stalking; dating, domestic, or intimate partner violence; or retaliation against a person who reports, complains about, or who otherwise participates in good faith in any matter related to conduct covered under this policy. You are encouraged to report an incident even if you do not want to file a criminal report or initiate Brevard College's internal complaint procedures, such that the college can ensure that you have access to counseling services, academic support services, and any other interim measures that are appropriate.

Incident reports also provide information to help the college provide a safe and non-discriminatory environment for all members of the college community. All non-confidential reports will be reported to the Title IX Coordinator, who will meet with you to review your options and all available resources. The college will limit disclosure of information included in a non-confidential report to those individuals involved in the college's response to the report and to legally required or permitted disclosures. This means only people who need to know will be told. Confidentiality and privacy are discussed more fully below.

Report to Campus Security. Campus Security Officers can assist you with personal safety, seeking medical attention, and/or contacting other on- and off-campus resources to assist you. Campus Security Officers are private employees of the college and are not law enforcement officers or government employees. However, they can also assist you with seeking assistance from law enforcement, as requested or needed. As Responsible Employees, Campus Security Officers will also refer reports to the Title IX Coordinator for assessment. Additionally, Campus Security will record reports as required by law (including under the Clery Act), but shall do so without disclosing any personally identifiable information about a Complainant.

- Campus Security Officer on Duty: 828-577-9590

Report to Title IX Coordinator. All reported incidents of sexual or other misconduct under this policy involving students are reviewed by the Title IX Coordinator. The Title IX Coordinator will provide you with an explanation of your rights and options under this policy, including resources and services available to you, your option to request assistance or interim measures and additional remedies, and an explanation of the college's internal complaint resolution procedures. The Title IX Coordinator also will report the alleged incident to Campus Security for recording purposes, as required by law (including under the Clery Act), but may refrain from disclosing personally identifiable information about you to Campus Security at your request.

- Debbie D'Anna, Title IX Coordinator
(Office: 828-884-8391; Cell: 606-627-1069; Email: dannadl@brevard.edu)
- Deborah Hall, Title IX Coordinator
(Office: 828 884 8219; Cell: 828-506-0964; Email: dphall@brevard.edu)
(for matters involving a faculty, staff, or other non-student member of the Brevard College community)
- Michael Cohen, Deputy Title IX Coordinator
(Office: 828-884-8366; Cell: 828-507-2712; Email: cohenmw@brevard.edu)

Report to a Responsible Employee. All reports made to a Responsible Employee will be referred to the Title IX Coordinator for assessment. A Responsible Employee who receives a report must report all relevant details about the alleged misconduct to the Title IX Coordinator, including the date, time, and location of the alleged misconduct; and the names of the person who provided the report, the individual who experienced the alleged misconduct, the individual(s) accused of committing the alleged misconduct, any other students involved in the alleged misconduct.

As described above, Responsible Employees include faculty, Campus Life staff, Hall Directors, Housing and Residence Life student staff members, Campus Security staff, coaching staff, supervisors of student employees, Title IX and Deputy Title IX Coordinators, the President, and the Vice Presidents.

EMERGENCY AND EXTERNAL REPORTING OPTIONS

Complainants have the right to notify or decline to notify law enforcement. The College strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of Sexual Misconduct, Stalking, Intimate Partner Violence, or any other prohibited conduct where law enforcement can play a role. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders. The College will help any of its community members get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

CONFIDENTIALITY OF REPORTS

The College encourages any individual who has or is experiencing misconduct under this policy to talk to someone. Disclosures to certain individuals are treated as confidential, while disclosures to others are handled privately but are treated as non-confidential.

CONFIDENTIAL RESOURCES

Confidential Resources are those resources required to keep all information disclosed to them confidential within the legal and ethical bounds of their profession. At Brevard College, these individuals include the:

- Counselors and Counseling Interns
- Nurse
- College Minister

When reports are made to these individuals in the context of their performing their respective professional roles, the reports are kept strictly confidential and will not be referred to the Title IX Coordinator or Campus Security without consent.

NON-CONFIDENTIAL RESOURCES

In comparison to Confidential Resources, reports to Responsible Employees are non-confidential in that they must be reported to the Title IX Coordinator. The Title IX Coordinator will always maintain privacy, inasmuch as possible, but must meet with a Complainant to review available resources, options, and next steps. Reports to Responsible Employees that are accompanied by a request for confidentiality are further discussed below.

REQUESTING CONFIDENTIALITY: HOW THE COLLEGE WILL WEIGH THE REQUEST AND RESPOND

If an individual discloses an incident to Campus Security or any other Responsible Employee but requests that he/she maintain confidentiality, that no investigation be conducted, and/or that no disciplinary action taken, the College must weigh any such requests against the College's obligation to provide a safe, non-discriminatory environment for all students, including, but not limited to, the individual who has experienced an incident.

A Responsible Employee that has received a report and any request for confidentiality should tell the reporting individual that:

- he/she must share details of the incident with the Title IX Coordinator;
- he/she will inform the Title IX Coordinator of the request for confidentiality;
- the Title IX Coordinator will evaluate and consider the request with assistance from the Director of Campus Safety, Security, and Risk Management and possibly the other Title IX Coordinator and/or Deputy Title IX Coordinator; but
- he/she cannot guarantee the request will be honored, because the College is obligated to provide a safe environment for all students.

When weighing a request for confidentiality or that no investigation or discipline be pursued, a range of factors will be considered, including, but not limited to, the following:

- The increased risk that a would-be Respondent will commit additional misconduct under this policy, based on such considerations as whether there have been other sexual violence complaints about him/her; whether he/she has a history of arrests or records from a prior school indicating a history of violence; and whether he/she threatened further sexual or other violence against the Complainant or others;
- Whether the misconduct is alleged to have been committed by multiple individuals;
- Whether the misconduct was perpetrated with a weapon;
- Whether the Complainant is a minor;
- Whether the College possesses other means to obtain relevant evidence concerning alleged violations of this policy; and
- Whether reported misconduct reveals a pattern of perpetration (e.g., misconduct via illicit use of drugs or alcohol) at a given location or by a particular person or group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If the College determines that it cannot maintain confidentiality, the College will inform the Complainant prior to starting an investigation and will, to the fullest extent possible, only share information with individuals responsible for handling the College's response (i.e., share information only with those that need to know).

If none of these factors is present, the College will likely respect a request for confidentiality while still taking immediate action, as necessary, to provide protection and assistance. However, when honoring confidentiality requests, individuals, including a Complainant, must understand that the College's ability to meaningfully investigate an incident and pursue disciplinary action may be limited.

DISCLOSURES REQUIRED BY LAW

In addition to weighing confidentiality requests (as described above), the College is also required to make certain disclosures by law. These disclosures include:

- **Timely Warnings.** A "Timely Warning" is a campus-wide notification of a serious or continuing threat to the Brevard College community. The Timely Warning does not include identifying information about the Complainant. If a report of misconduct discloses a serious or continuing threat to the College community, the College may issue a campus wide timely warning (which can take the form of an email to campus, for example) to protect the health or safety of the community.
- **Annual Reporting Responsibilities.** All higher education institutions that receive federal funding, including the College, are obligated to publicly issue an Annual Security Report which identifies the number of particular reported crimes on campus or campus property, or adjacent to campus. The report does not include identifying information about Complainants or Respondents.

- **Crime Log.** All higher education institutions that have security departments must maintain a daily crime log that includes entries for all crimes that occur within both the Clery geography and the security force’s regular patrol route. The crime log does not include identifying information about the Complainant or Respondent.

OTHER REPORTING CONSIDERATIONS

ANONYMOUS REPORTING

Any individual may make an anonymous report concerning an act of Prohibited Conduct. An individual may report the incident without disclosing their name, identifying the Respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the College’s ability to respond to an anonymous report may be limited.

The Title IX Coordinator will receive and review anonymous reports to determine any appropriate steps, including individual or community remedies as appropriate, in consultation with the Title IX Team and compliance with all Clery Act obligations.

REPORTING TO EXTERNAL AGENCIES

Inquiries or complaints concerning the College’s compliance with Title IX may be referred to the U.S. Department of Education’s Office for Civil Rights.

For complaints involving employment discrimination or harassment, individuals may pursue any charge of discrimination or harassment with the federal Equal Opportunity Employment Commission (“EEOC”). It is unlawful to retaliate against any employee for opposing the practices prohibited by federal law or for filing a complaint with, or for otherwise participating in an investigation, proceeding, or hearing conducted by the EEOC.

TIMELINESS OF REPORTS

Complainants and third-party witnesses are encouraged to report prohibited conduct as soon as possible in order to maximize the College’s ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the Respondent is not a member of the College’s community, the College will still seek to meet its obligations by taking steps to end misconduct, prevent its recurrence, and address its effects. However, in such a case, the College’s ability to take disciplinary action against the Respondent may, of course, be limited.

COORDINATION WITH LAW ENFORCEMENT

The College strongly encourages Complainants to pursue criminal action for incidents under this policy that may also be considered crimes. If a Complainant decides to make a criminal report, the College will assist the Complainant, if and as needed, with the process (such as arranging and accompanying the Complaint to meetings) and will cooperate with law enforcement agencies to the extent permitted by law.

The College’s policy, definitions, and burden of proof may differ from North Carolina criminal law. A Complainant may seek recourse under this policy and/or pursue criminal action. Neither law enforcement’s determination whether or not to prosecute a Respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this policy has occurred. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

The College may not delay conducting its own investigation unless specifically requested by law enforcement. In the event of such specific request, the College shall defer its investigation only during the time that law enforcement is gathering evidence (which the College does not anticipate should exceed ten (10) business days, absent extenuating circumstances).

The College will nevertheless communicate with the Complainant and Respondent (if appropriate) regarding rights, procedural options, and the implementation of interim measures to assure safety and well-being. The College will promptly resume fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

AMNESTY FOR ALCOHOL USE, DRUG USE, OR OTHER CONDUCT VIOLATIONS

The College strongly encourages the reporting of prohibited conduct under this policy. It is in the best interest of this community that as many Complainants as possible choose to report to college officials and that participants in the grievance process are forthright in sharing information. To guard against discouraging reporting or participation, a student who reports Prohibited Conduct or participates in the grievance process, either as a Complainant, Respondent, or a third-party witness, will not be subject to disciplinary action by the College for personal consumption of alcohol or drugs or other violations of College policy (not including this policy) at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk and do not involve plagiarism, cheating, or academic dishonesty. The College may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs. Being intoxicated by drugs or alcohol is no defense to any violation of this policy and does not diminish one's responsibility to obtain consent.

RIGHT TO WITHDRAW PARTICIPATION

At any time, a Complainant may withdraw from pursuing or participating in the resolution of a report of misconduct under this policy. If the Complainant does withdraw, the College may be limited in its ability to take further actions on the matter. However, the College may continue to move forward in substitution of the Complainant when deemed necessary for safety or security concerns, for pursuit of broader remedial needs, or due to other continuing obligations.

VIOLATIONS OUTSIDE OF ORIGINAL REPORT

If an additional report of misconduct under this policy arises in connection with the College's investigation or resolution of an initial report under this policy, the Title IX Coordinator will determine whether the additional report is part of the original, alleged violation; is separate but related to the original, alleged violation; or is a separate and independent matter. In making a determination, the Title IX Coordinator will consider such factors as the parties involved, nature of the allegations, and type of alleged misconduct. Based on this review, and where necessary or most appropriate, the Title IX Coordinator may consolidate or separate incidents and/or procedural responses in order to carry out this policy and the requirements of law.

REPORTING RETALIATION

The College prohibits any and all forms of retaliation and will make every effort to ensure the safety and well-being of its community members. Any incident of Retaliation (defined above) should be reported immediately to the Title IX Coordinator and/or Campus Security for internal response. Retaliation should also be reported to law enforcement in the event of emergency or in cases where law enforcement can play a role.

For reports of Retaliation under this policy, the Title IX Coordinator shall be responsible for meeting with the reporting individual and assessing, as quickly as possible, whether Retaliation may have occurred. If the Title IX Coordinator determines that Retaliation more likely than not occurred, the Title IX Coordinator will immediately employ interim measures and apply other College policies, as necessary, to provide for the safety, security, and well-being of the reporting individual(s) and members of the College community.

Reports of Retaliation may be treated as part of (or handled in connection with) an initial report made under this policy, or may be treated as a separate report of prohibited conduct under this policy, depending on the facts of the incidents and in a manner that is consistent with fulfilling this policy and the requirements of law.

INADVERTENT OR ISOLATED ACTS

A member of the College community who exhibits a singular or isolated act of conduct expressed as discrimination or harassment may simply lack the sensitivity to know how his or her actions or statements are creating discomfort or may be humiliating to others. For someone experiencing a singular or isolated act and interpreting it as inadvertent or simply lacking in sensitivity, he/she may wish to caution the individual directly about the questionable conduct, as appropriate, and in a discreet and confidential manner.

When an individual deems this form of response to be safe and appropriate, the College encourages such responses. However, an individual should always consider his/her interpretation of the behavior, his/her personal safety and well-being, and the resources available to him/her under this and other College policies, before responding in this manner.

FALSE REPORTS

The College takes the accuracy of information very seriously, as a report of prohibited conduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated report of prohibited conduct. However, when a Complainant or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant or third party witness may be subject to disciplinary action by and under College policy. This conduct may also violate criminal statutes and civil defamation laws.

STUDENT WELL-BEING AND INTERIM MEASURES

When in receipt of a reported violation of this policy, and throughout all processes related to such reports, the College remains mindful of student well-being. Upon receipt of a report, the College will provide reasonable and appropriate interim measures designed to eliminate any alleged hostile environment and protect the parties involved. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional, and physical well-being concerns are being addressed.

The College will also:

- Inform the Complainant of and assist the Complainant in accessing available on- and off-campus resources, including advocacy, academic support, counseling, disability, health, mental health, legal, and other services;
- Inform a Complainant of the right to report a crime to law enforcement and, should a Complainant wish to do so, provide assistance, if and as needed, with the process (such as arranging and accompanying the Complainant to meetings); and
- Provide additional security and support, as needed.

The College will also take ongoing steps to protect the Complainant and others that participate in good faith in an investigation or hearing from retaliation or harm. Retaliation, whether by students or College employees, will not be tolerated.

INTERIM MEASURES AND REMEDIES

The College may impose interim measures at its discretion, and may do so regardless of whether formal disciplinary action is sought by the Complainant or the College, or whether reports are made to law enforcement. Discretionary interim measures and remedies may include, for example:

- Providing access to counseling services and assistance in setting up an initial appointment;
- Imposing a “No Contact” order;
- Rescheduling exams and assignments (in conjunction with appropriate faculty/staff, as necessary);
- Providing alternative course completion options (with the agreement of the appropriate faculty/staff);
- Changing class schedules, including allowing the ability to take an “incomplete,” drop a course without penalty, or transfer sections (with agreement of appropriate faculty/staff);

- Changing work schedules or job assignments;
- Changing on-campus housing;
- Arranging to dissolve a housing contract;
- Providing assistance from College support staff in completing housing relocation;
- Restricting privileges, such as limiting an individual or organization’s access to certain College facilities or activities pending resolution of the matter;
- Approving a voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Issuing an interim suspension or College-imposed leave; and
- Implementing any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this policy.

The College will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

Broad Remediation. The College will not and cannot require a Complainant to participate in any investigation or disciplinary proceeding. However, the College is under a continuing obligation to address misconduct under this policy, including, but not limited to, sexual violence, sexual misconduct, and sexual harassment, for the general safety and welfare of the College community.

In addition to a report by the Complainant, the College is also under a continuing obligation to address any other campus-wide reports (including non-identifying reports) which may prompt the College to consider broader remedial action, such as increasing monitoring, supervision, or security at locations where reported sexual violence occurred; increasing education and prevention efforts, including efforts towards targeted population groups; conducting campus climate assessments/victimization surveys; and/or revisiting campus policies and practices.

INTERIM SUSPENSION OR SEPARATION

Where the reported conduct poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal College functions, the College may place a student or student organization on interim suspension or impose leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities, and/or all other College activities or privileges for which the student might otherwise be eligible, as the College determines appropriate. When interim suspension or leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

A student Respondent who has been put on interim suspension under this policy has the right to a meeting within three (3) business days of notice with the Title IX Coordinator or designee to appeal the interim suspension. The Title IX Coordinator (or designee) will review the appeal to determine whether the decision to put a student on interim suspension was arbitrary or capricious. A decision is arbitrary and capricious where there is no rational connection between the facts presented and the decision made. Only on this basis will the interim suspension be reconsidered.

RECOMMENDED ACTIONS AND CARE/SUPPORT RESOURCES

The purpose of this material is to provide information and assistance to Complainants and persons who may come in contact with a Complainant. The College strongly encourages the reporting of any incident falling under this policy to Campus Security and, where the experience may constitute a crime, to law enforcement.

Making decisions and regaining control are important to the healing process after an incident, especially where one has experienced sexual assault, sexual misconduct, or violence. The choice of how to proceed belongs largely with the Complainant. The following are a few resources and factors to consider.

CAMPUS RESOURCES

- Title IX Coordinator, Debbie D’Anna: Office 828-884-8391 or Cell 606-627-1069
- Title IX Coordinator, Deborah Hall: Office 828-884 8219 or Cell 828-506-0964
- Deputy Title IX Coordinator, Michael Cohen: 828-884-8366 or Cell 828-507-2712
- Counseling Services, Dee Dasburg: 828 -884-8129
- Spiritual Support (College Minister), Sharad Creasman: 828 -884-8353
- Director of Campus Safety, Security, and Risk Management, Stan Jacobsen: 828-884-8381
- Campus Security Officer on Call: 828-577-9590
- Health Services (Campus Nurse), Pat Clackler: 828-884-8242
- Director of Housing and Residence Life, Beth Abrams: 828-884-8159

OFF-CAMPUS RESOURCES

- S.A.F.E., Inc. of Transylvania County: 828-885-7233
- Transylvania Regional Hospital: 828-884-9111
- 9-1-1 is always an option for an emergency situation and for initiating reports to law enforcement

EMOTIONAL TRAUMA

Emotional Trauma is severe after an incident of sexual assault or sexual misconduct, and is often severe in other cases, as well. 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 feel distrustful. However, there are many people who understand, and there are places where support is available while one is recovering.

Counseling is very important in helping an individual regain control of his/her life. Sexual assault, sexual misconduct, and other severe forms of misconduct under this policy are extremely traumatic experiences that need professional attention. The College urges students involved in sexual assault or misconduct, intimate partner violence, stalking, or other traumatic experiences to meet with a counselor. Among other things, counselors can help individuals decide what further steps may be taken following an incident. The best local resources for students who have experienced sexual assault/misconduct or intimate partner violence are S.A.F.E., Inc. of Transylvania County (off-campus) and the College’s Counseling Center (on campus). These resources can provide counseling and/or direct an individual to a safe place if the individual feels in danger of further harm.

MEDICAL ATTENTION

Medical Attention is critical in cases of physical assault. Even if a Complainant ultimately decides not to report an assault, it is still very important to seek immediate medical attention for possible injuries (internal or external) or, in the case of sexual misconduct, possible sexually transmitted diseases. Also, the collection of medical evidence becomes critical in the event of potential future prosecution. Therefore, it is important to seek medical attention promptly and, especially in cases of sexual misconduct, 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 sheets before seeking medical help, and
6. Putting anything in the mouth (gum, cigarettes, mints, etc.).

At the Emergency Room, in instances of sexual assault, medical staff will collect hair samples, semen samples, and other potential evidence, including clothing. Individuals visiting the hospital should therefore 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.

INITIAL ASSESSMENT OF REPORT

The procedures for addressing reports of possible violations under this policy provide for prompt, fair, and impartial investigation and resolution. Upon receipt of a report, the Title IX Coordinator will conduct a meeting as soon as possible to discuss the key facts of the report, immediate and ongoing resources available to the student for his/her well-being, the right to seek medical treatment and contact law enforcement (if applicable, and with assistance, if desired), the importance of preserving evidence (if applicable), any safety and security concerns, the need for possible interim measures and remedies, confidentiality considerations, and other processes, procedures, and considerations addressed within this policy.

The Title IX Coordinator will ask the Complainant questions to get a basic understanding of the reported conduct in order to appropriately assess how to proceed. At the conclusion of the meeting, and if the individual wishes to move forward, the Title IX Coordinator will determine whether the reported facts, if true, could constitute a violation of this policy. If yes, the Title IX Coordinator will determine whether to proceed through Formal or Informal Resolution (as further discussed below). Determinations will be made and communicated to the Complainant in writing within three (3) calendar days of the Intake Meeting.

INFORMAL RESOLUTION

The Title IX Coordinator will determine whether a report may proceed through Informal Resolution or must proceed through Formal Resolution. Any complaint that alleges sexual misconduct, including sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation; or any form of misconduct involving forms of physical violence, must proceed through the formal investigation process.

Some reports that allege discrimination, harassment, or other prohibited conduct (without facts suggesting violence) may be considered for Informal Resolution. Informal Resolution will proceed as mediation between the Parties, facilitated or organized by the Title IX Coordinator.

If the Title IX Coordinator determines that Informal Resolution is an appropriate option, the Respondent will first receive initial notice of the complaint and a request to meet with the Title IX Coordinator, consistent with the first two steps of Formal Resolution (see “Initial Notice to Parties” and “Request to Meet with Respondent” below). The Complainant and Respondent will then be asked, separately, whether they would agree to an Informal Resolution. If either party does not agree to pursue Informal Resolution, or if the Complainant, Respondent, or Title IX Coordinator, at any time, determines that Informal Resolution is no longer appropriate, the Title IX Coordinator will promptly inform the Parties in writing that the report will proceed through Formal Resolution.

If a report proceeds through Informal Resolution, the Title IX Coordinator shall:

- Remind the parties, in writing, that the Formal Resolution procedures remain available when: (1) no resolution is forthcoming, (2) if either party is dissatisfied with the progress of Informal Resolution, or (3) if either party otherwise no longer wishes to participate in Informal Resolution;
- Remain available to engage in dialogue with the Complainant, Respondent, and other concerned individuals;
- Conduct (or work with a designee to conduct) a discreet investigative inquiry into the complaint, gathering and examining all relevant facts, and keeping such facts confidential (except as otherwise required to facilitate resolution);
- Facilitate or organize the holding of a mediation, designed to resolve the complaint informally, if possible;

- Direct those participating in mediation, including, but not necessarily limited to, the mediator and the Parties, to keep confidential all information related to the complaint, as well as the processes for mediation and any outcomes;
- Prepare a record of the complaint, the investigation and findings, the mediation (in coordination with the mediator), and the resolution, if any;
- Retain the record, consistent with College recordkeeping policies, to be made available, if needed, during Formal Resolution or other formal grievance procedures; and
- Confirm (or direct the mediator to confirm) to the Parties, in writing, any resolution that is reached, within five (5) business days of reaching the resolution.

FORMAL RESOLUTION

If a report proceeds through Formal Resolution, the following procedures shall apply.

INITIAL NOTICE TO PARTIES

If the Title IX Coordinator determines that the Complainant’s report must proceed through Formal Resolution, the Parties will be notified, in writing, as soon as possible but generally within three (3) business days of the Initial Assessment with the Complainant. Notification to the Respondent will state facts sufficient to apprise the Respondent of the nature of the allegations, including the:

- Complainant’s name, and
- Nature of the report
 - Specific policy violation(s) alleged (for example, sexual assault, sexual harassment, stalking, retaliation)
 - Date(s) of alleged violation(s)
 - Approximate time(s) of alleged violation(s)
 - Location(s) of alleged violation(s)
 - Brief description of allegation(s)

REQUEST TO MEET WITH RESPONDENT

The Title IX Coordinator’s notice to Respondent shall be accompanied with a request to meet within three (3) business days to discuss the following:

- Available on and off campus resources, including advocacy, academic support, counseling, disability, health, mental health, legal, and other services;
- The range of interim measures and remedies that may be employed, such as changes to academic, living, transportation, and/or working situations, or other protective measures;
- An overview of the procedural options and process, including Informal Resolution and Formal Resolution;
- An explanation that the student has a right to an advisor of their choice during the process, and that assistance can be provided in selecting an advisor, if desired;
- The amnesty provisions of this policy; and
- The retaliation provisions of this policy.

If the Respondent does not respond or is unable to meet in the specified time frame, the Title IX Coordinator will provide the above information in writing.

INVESTIGATION

Concurrently with other initial steps, the Title IX Coordinator will also designate an Investigator who will conduct a reasonable, impartial, and prompt investigation of the complaint. The Investigator may be internal or external to the College, or may be a two-person investigative team (which may but need not include a combination of one internal and

one external investigator). Investigators are neutral and receive annual training on the types of matters covered under this policy.

Once an Investigator has been designated, the Title IX Coordinator (or appropriate designee) will notify the Parties in writing of the designated Investigator. Both parties will have two (2) calendar days to object to the Investigator's selection on the basis of bias or conflict of interest. If either of the Parties objects, the Title IX Coordinator will evaluate whether the objection is substantiated. The Title IX Coordinator will remove and replace an Investigator that is determined to have a bias or conflict of interest against either party.

The Investigator will commence the investigation once the time for the Parties to object has passed, or once any objections have been resolved. The Investigator, in consultation with the Title IX Coordinator, will establish a timeline for the investigation, which will proceed in the following stages:

- Initial Fact-Gathering. The Investigator will interview both Parties and relevant witnesses, gather evidence provided or identified by the Parties or witnesses, and gather any evidence that is otherwise available. The Investigator will prepare a summary or write-up of each interview ("Interview Summary"). The Investigator will share each Interview Summary with each interviewee. The interviewee will have the opportunity to correct or comment on any statements made in the Interview Summary. Any comments or corrections will be reflected, and interviewees will be asked to sign the Interview Summary as acknowledgment of its accuracy.
- Rebuttal Fact-Gathering. The Investigator may conduct follow-up interviews with both Parties and witnesses based upon evidence gathered during the Initial Fact-Gathering. The Parties and witnesses can expect that, in these follow-up interviews, the Investigator may seek responses to specific allegations or evidence (for example, an Investigator may show one of the Parties a series of text messages and ask about the content of the text messages). To the extent additional materials, witnesses, and/or evidence are identified during this time, the Investigator will conduct additional interviews and gather additional evidence consistent with the procedures outlined under the "Initial Fact-Gathering." These steps may be repeated as necessary to ensure a complete gathering of evidence.
- Investigative Report. The Investigator will prepare an Investigative Report, which will contain a written summary of the evidence gathered in the course of the preliminary investigation. The Investigator will also state specific factual findings in the Investigative Report (for example, "Complainant was incapacitated" or "Respondent reasonably believed that Complainant was not incapacitated"), supported by the gathered evidence and any related assessments of witness credibility. The standard for determining each factual finding is the "preponderance of the evidence," i.e., that it is more likely than not that the factual finding is true. The Investigator will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the College's policies. The Investigator will attach as exhibits to the report all Interview Summaries and any evidence gathered and relied upon in the preliminary investigation. When the Investigator determines that the preliminary investigation is complete, the Investigator will submit the Investigative Report to the Title IX Coordinator. The Title IX Coordinator may require the Investigator to conduct additional investigation, in which case the Investigator will do so consistent with the procedures outlined above.

NOTICE OF INVESTIGATIVE FINDINGS

Once the Investigation is complete, the Title IX Coordinator (or designee) will provide the Investigative Report to the Parties for review, ordinarily within three (3) business days of receipt of the report from the Investigator.

Given the sensitive nature of the information provided, the Title IX Coordinator (or designee) will provide the information in a secure manner (ordinarily by providing hard-copy materials in an office designated by the Title IX Coordinator).

Neither the Complainant nor the Respondent (or their advisors, including, but not limited to, family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove

any information provided. An advisor who fails to abide by this policy may be subject to discipline and/or may be excluded from further participation in the process.

RESPONDING TO INVESTIGATIVE REPORT

The Parties may submit any response to the Investigative Report within three (3) calendar days of being notified of their opportunity to review the report. If choosing to respond, the Parties may do so in one or both of the following ways:

- Provide a written response, which the Investigator will consider before finalizing the report.
- Submit a written request for additional investigation, which may include, but is not limited to, the following:
 - Request(s) for follow-up interview(s) with existing witnesses to clarify or provide additional information, including offering questions to the investigator to pose to witnesses;
 - Request(s) for interviews with new witnesses; and/or
 - Request(s) to consider new evidence.

Any request for additional investigation shall explain the reason for the request. If neither of the Parties requests additional investigation, the Investigator will finalize the report.

REQUEST FOR ADDITIONAL INVESTIGATION

If additional investigation is requested, the Investigator will review the request(s) and conduct additional investigation if, in consultation with the Title IX Coordinator, the Investigator determines that the request(s) will assist in completion of the investigation. If additional investigation requires substantial changes to the investigation and resolution timeframe, the Parties will be notified in writing of the anticipated, revised timeframe.

If the Investigator conducts additional investigation, the Investigator will supplement the Investigative Report and revise any findings, if or as necessary. Once the Title IX Coordinator and Investigator have agreed that the Investigative Report is complete, the Title IX Coordinator will provide the Investigative Report to the Parties for review, consistent with the review processes described above. The Parties will again have an opportunity to respond to the Investigative Report within three (3) calendar days of being notified of their opportunity to review it. Any responses will be incorporated into the final report.

Since the Parties will have had an opportunity to respond to the report in full, the College requires that the Parties limit any additional responses at this stage to the effect (or lack thereof) of any new evidence or findings that were incorporated into the report after the first opportunity to review.

FINALIZING THE REPORT

As noted above, if/when neither of the Parties requests additional investigation, the Investigator will finalize the report. If additional investigation is requested and granted, the Investigator will finalize the report once the additional investigation has concluded and the Investigator and Title IX Coordinator are satisfied that no further investigation is required.

The finalized Investigative Report will state the:

- ultimate finding(s) of facts; and
- specific evidence upon which the Investigator relied in making each factual finding (including any assessments of witness credibility used in making factual determinations).

The standard for determining each finding of fact is “preponderance of the evidence” – i.e., that it is more likely than not that the fact is truthful.

The finalized Investigative Report will have attached, as exhibits, the gathered testimonial and documentary evidence, and all of the Parties' responses throughout the Formal Resolution proceeding. Once the Investigator is satisfied that the report is complete, the Investigator will submit the Investigative Report to the Title IX Coordinator.

The Title IX Coordinator will provide the final Investigative Report to the Parties for review, consistent with notice requirements described above and ordinarily within (3) business days of receipt of the report.

SCHEDULING OF HEARING OR DISMISSAL OF COMPLAINT

Concurrently with written notice that the final Investigative Report is available for review, the Title IX Coordinator will notify Complainant and Respondent whether, based on information gathered in the Investigation:

- (1) The allegations are being dismissed due to a lack of factual basis;
- (2) The allegations that raised a possible violation of this policy are being dismissed due to a lack of factual basis, but allegations of other possible violations outside of this policy remain (subject to the applicability of Amnesty), for which a resolution may or will be pursued through applicable procedures under other College policies³; or
- (3) A Hearing will be scheduled, along with any additions or revisions to alleged policy violations.

If a Hearing is scheduled under this policy, the Hearing will generally be scheduled for a date that is within six (6) to twelve (12) calendar days of the issuance of the final Investigative Report. Hearing Procedures are described more fully below.

RESPONDENT ACCEPTANCE OF RESPONSIBILITY

The Respondent may choose to accept responsibility for alleged violation(s) prior to, or during the course of, an Investigation. If the Respondent chooses this option, the Respondent must submit a written statement accepting responsibility for the alleged violation(s) and waiving all related rights to an investigation, determination of responsibility by the Hearing Panel, and appeal on the ground of procedural error.

In such cases, the Dean for Students, in consultation with the other Title IX Coordinator or Deputy Title IX Coordinator (as necessary or appropriate), will determine the sanction(s) and will notify Respondent and Complainant of the sanctions in writing within three (3) business days of receiving the Respondent's written statement accepting responsibility. The Complainant will receive that portion of sanctioning information, and of Respondent's written statement, to which he/she is legally entitled, subject to any required redaction.

By accepting responsibility, the Respondent also accepts the Dean for Student's decision on sanctions as final and waives the right to appeal on the ground of procedural error. The Complainant shall retain any appeal rights to which he/she is entitled.

If the Respondent accepts responsibility for some but not all alleged violation(s) falling under this policy, the Respondent's acknowledgment will be incorporated into the Investigative Report, and any investigation or proceedings shall continue in order to resolve remaining allegations.

If the Respondent accepts responsibility for alleged violation(s) of this policy, but not for an alleged violations of one or more other policies (when applicable), the Dean for Students shall resolve allegations under this policy and determine whether to proceed with the other allegations. In making the determination, the Dean for Students shall consider the nature of remaining allegations, the purposes served by pursuing other allegations, applicability of Amnesty under this policy, the possible impact on the Complainant of proceeding or not proceeding, any requirements of other policies, and any requirements of law.

³ If reports raised under this policy are dismissed, the College may be required to limit information provided to Complainant about Respondent's other possible policy violations, depending on the nature of the violation(s), the requirements of other applicable College policies, and the requirements of FERPA and/or other laws.

HEARING PROCEDURES

Reports proceeding through Formal Resolution will proceed to a Hearing after the Investigation. Any members of the College community found through a Hearing to have violated this policy will be disciplined, including, but not limited to, possible dismissal from the College.

PRE-HEARING STEPS

The Title IX Coordinator will convene a Hearing Panel (defined above), who will meet to discuss the final Investigative Report. The Hearing Chair, in consultation with the Title IX Coordinator, will redact irrelevant or immaterial information prior to a Hearing, specifically including:

- Irrelevant information concerning sexual history, unrelated sexual activity, character, or incidents not directly related to the complaint (subject to the Chair's determination that the information may demonstrate a pattern of behavior);
- Statements of reputation or personal or expert opinion; and
- Information that is irrelevant, immaterial, more prejudicial than probative, or overly repetitive.

Within two (2) days of written notice that the final Investigative Report is available for review and that a Hearing will be scheduled, the Parties will receive additional written notice inviting them to appear, separately (at scheduled times), before the Hearing Panel on a scheduled Hearing Date, in order to respond to the Investigative Report findings, witness statements, and evidence. The Hearing will generally be scheduled for a date that falls within four (4) to ten (10) business days of this written notice of the Hearing date, but not sooner.

Concurrently, the Parties will receive information on how the Hearing will proceed, the Preponderance of Evidence standard that will be employed in making any determinations, and the Parties' rights, including an invitation to submit, within two (2) calendar days, the names of any witnesses that they would like to appear before the Hearing Panel (with explanations of why each witness should appear).

Prior to the Hearing, the Hearing Chair will determine whether there is a need to call any requested witnesses, based on information contained within the Investigative Report (including exhibits to the report) and explanations provided by the Complainant and/or Respondent. Since the Parties will have already had opportunities to respond to information derived from witnesses during the Investigation, the Hearing Chair will have general discretion to call or not call witnesses, and will make such considerations as relevance, the need to clarify information, whether information expected to be obtained would be duplicative, and whether there are indications that a witness would provide new, relevant information. The Hearing Panel also has discretion to conduct additional inquiry during the Hearing, call witnesses of its own accord (whether or not requested by one of the Parties), and gather any additional information that it deems necessary to assist in reaching a decision and recommendations for subsequent action.

At least one (1) day prior to the Hearing, the Hearing Chair will notify the Parties, in writing, of witnesses that are being called to appear and brief explanations of any decisions to not call requested witnesses. The Hearing Chair's decision will be final.

CONDUCTING THE HEARING

General Parameters. The Hearing will be a closed hearing. The Hearing will not be recorded. The Hearing Panel will maintain confidentiality throughout the entire process.

Standard for Determining Responsibility. As defined above, the Hearing Panel will make determinations in all cases under this policy using the "Preponderance of the Evidence" standard – i.e., whether it is more likely than not, considering the weight of the credible evidence, that the alleged violation(s) occurred.

Conduct Violations Outside of this Policy. If other possible policy violations are raised during the course of responding to a reported incident under this policy, and such violations fall outside of the prohibited conduct covered under this policy (for example, evidence of drug manufacturing), an Investigator under this policy, or Hearing Panel convened under this policy, may respectively investigate or resolve the additional potential violations as appropriate under the circumstances.

When determining whether to resolve matters before a Hearing Panel that fall outside of this policy, the Hearing Panel will consider such factors as:

- whether Amnesty (as described within this policy, above) should or does apply;
- the relationship of allegations/facts between or among incidents and between or among the parties;
- whether student rights have been upheld, including, but not limited to, due process rights; and
- the benefits or detriments of joining/separating conduct matters (including, but not limited to, the impact on the Parties and their rights).

If a Hearing Panel resolves a matter outside of this policy in connection with a matter under this policy, the student rights and responsibilities, hearing procedures, etc. under this policy will govern if/where the policies conflict.

Advisor. During the proceedings, the Complainant and Respondent will each be permitted to have an Advisor (defined above). Advisors may be present but may not act as spokesperson. The Advisor's role will be limited to requesting reasonable breaks to confer privately with the advisee. Advisors may not record the meetings or proceedings, take notes, ask questions, or otherwise actively participate in meetings or proceedings

Proceedings. The Complainant will be scheduled to participate first, followed by the Respondent, followed by any witnesses. The Parties will each be permitted to observe the other's participation, as well as the participation of any called witnesses, all of which may be facilitated by audio/video feed.

Opening Statements. Each of the Parties will be permitted, but will not be required, to make an opening statement to the Hearing Panel. Opening or Closing Statements may (but need not) include information on the impact of the incident on the individual.

Questioning by Hearing Panel. The Hearing Panel may ask questions of each of the Parties, and of any appearing witnesses, in order to obtain any additional information that it deems necessary to assist it in reaching a decision and recommendations for subsequent action.

All questions asked of the Parties and any witnesses will be limited to the incident itself and will not involve unrelated matters. For example, questions in cases of reported sexual assault or misconduct will not address prior sexual activity with others.

Questioning by the Parties. When the Hearing Panel has concluded with the Complainant, the Respondent may submit questions to the Hearing Chair to ask of the Complainant. Likewise, when the Hearing Panel has concluded with the Respondent, the Complainant may submit questions to the Hearing Chair to ask of the Respondent. The same right will be extended to both Parties in the case of any witnesses that appear before the Hearing Panel.

The Hearing Chair may choose to ask or not ask any submitted questions, based on such considerations as relevance and appropriateness to the inquiry, the need to clarify information, and whether the questions are duplicative of information already received. As indicated above, all questions asked of the Parties and any witnesses will be limited to the incident itself and will not involve unrelated matters.

Closing Statements. Each of the Parties will be permitted, but will not be required, to make a closing statement to the Hearing Panel. Opening or Closing Statements may (but need not) include information on the impact of the incident on the individual.

CONCLUDING THE HEARING

After participating Parties and third party witnesses have been heard, the Hearing Chair will conclude the Hearing, reiterating to the Parties directly, and in a follow-up email within two (2) business days, the:

- (1) Charges being considered, including the alleged violation(s) and any possible violation(s) that were derived from new information revealed during the Hearing;
- (2) Standard for Determining Responsibility (Preponderance of Evidence);
- (3) Requirement to maintain confidentiality;
- (4) Interim measures that remain in place; and
- (5) Deliberation process and projected timeline for notification (via email) of a decision.

DETERMINATIONS BY HEARING PANEL

Within three (3) business days of sending written notice of the conclusion of the Hearing, the Hearing Chair shall complete the following steps in order:

- **Determine “In Violation” or “Not In Violation”.** The Hearing Chair shall gather and meet with the Hearing Panel, who shall apply the Preponderance of Evidence standard to render a decision, by majority concurrence, as to whether this policy and/or other policies have been violated.
- **If “In Violation,” Gather Sanctioning Information.** If this policy and/or other policies are determined to have been violated, The Hearing Chair shall obtain Sanctioning Information, including:
 - Any written impact or mitigation statements that may have already been provided; and
 - Any items from Respondent’s student files deemed appropriate by the Dean for Students or Associate Dean of Students - Policies, Procedures, and Student Conduct, for consideration in sanctioning (potentially including, but not limited to, disciplinary history records, criminal records, police reports, and interim measures imposed).
- **If “In Violation,” Determine Sanctions.** If this policy and/or other policies are determined to have been violated, the Hearing Chair shall gather and meet with the Hearing Panel, who shall determine sanctions by majority concurrence and through use of the following references:
 - The “Sanctions” and “Sanctioning Guidance” portions of the “Student Freedom, Responsibility, and Accountability” section of this handbook, which discuss and offer guidance concerning possible sanctions;
 - Any gathered Sanctioning Information (discussed above); and
 - Consultation with the Dean for Students or Associate Dean of Students – Policies, Procedures, and Student Conduct, concerning the types of options that are available for sanctioning.
- **Provide Notice of Outcome.**
 - The Hearing Chair shall distribute to the Respondent a notice of the Panel’s determination of whether a policy violation occurred, including the specific prohibited acts alleged and the Panel’s determination of responsibility for each alleged prohibited act; the basis and rationale for decisions, including facts relied upon (and any related credibility assessments made by the Hearing Panel); and the sanctions imposed, if any (which the Hearing Panel shall attempt to fairly fit to the violation in total context).
 - The Hearing Chair shall concurrently provide a copy of the Notice of Outcome to Complainant, with any redactions made, as required by law.
 - The Hearing Chair will make every effort to conclude the full complaint resolution process and distribute the Notice of Outcome within fourteen (14) to seventeen (17) calendar days from the date the final Investigation Report was submitted.
- **Provide Notice of Appeal Rights.** Concurrently with the Notice of Outcome, the Hearing Chair shall provide, in writing, a Notice of Appeal Rights, with the available grounds, required timing, and general procedures for filing an appeal.
- **Provide Hearing Addendum.** Concurrently with the above Notices, but only if applicable, the Hearing Chair shall provide, in writing, an addendum that summarizes any additional testimony or evidence that was reviewed during the Hearing and relied upon by the Hearing Panel to make its determinations, that was not otherwise included in the final Investigative Report (including its exhibits) or the Sanctioning Information.

FINALITY OF RESOLUTION PROCESS

The determination by the Hearing Panel both as to the fact of violation(s) and as to the sanction(s) to be imposed, are finally dispositive of the complaint resolution process, subject only to the rights of the parties to appeal (as discussed below).

CONTINUING AUTHORITY OF TITLE IX COORDINATOR

Whether or not the Hearing Panel determines that a policy violation occurred, and in addition to any sanctions imposed by the Hearing Panel, Title IX Coordinator may impose new or continuing additional remedies designed to ensure a safe and nondiscriminatory environment for students. In the event the Hearing Panel determines that the Respondent is not responsible for the alleged policy violation, the College may continue to provide additional remedies for the Complainant so long as those remedies do not unduly burden or prejudice the Respondent.

APPEALS

The following process applies to appeals of findings and/or sanctions under this policy.

STAY OF SANCTIONS PENDING APPEAL

If a decision is appealed, sanctions are stayed until the matter has been finally disposed of within these procedures; provided, however, that:

- For an appeal of Suspension/Expulsion, the Respondent is restricted during the appeal period to academic involvements only. Thus, the continuation of participation in privileged or extracurricular activities is not permitted during the appeals process (which may be continued as a lesser form of sanction, discretionarily, if the Suspension/Expulsion is ultimately reversed).
- An appealed but upheld Suspension/Expulsion shall be regarded as taking effect as of the date the sanction was imposed by the Hearing Panel.
- An appealed but upheld sanction restricting privileges shall be regarded as taking effect as of the date the appeal concludes.
- The Title IX Coordinator may impose additional interim measures or remedies while the appeal is pending in order to provide for a safe and nondiscriminatory environment. In some cases, these interim measures or remedies may reflect the sanctions in such a way that the effect would be similar to not staying the sanctions. This would not be improper, if deemed necessary by the Title IX Coordinator.

PROCESS FOR APPEALING

Grounds. Either Complainant or Respondent can appeal the finding of the Hearing Panel or the sanctions imposed on the following grounds:

- **Procedural error** – There was procedural error that was substantially prejudicial, so as to have a material impact on the fairness of the complaint resolution process. A description of the error and its impact on the outcome of the case must be included in the written appeal, along with any supporting documentation.
- **New evidence** – New evidence, unknown or unavailable to appealing party at time of the Hearing, would significantly affect the outcome. Evidence withheld by the person appealing does not constitute new evidence. A summary of new evidence and its impact on the outcome of the case must be included in the written appeal, along with any supporting documentation.
- **Disproportionate Sanctions** – Sanction(s) is/are substantially disproportionate to the findings. A description supporting this ground for appeal must be included in the written appeal, along with any supporting documentation.

Submitting and Responding to Appeal. Appeals must be submitted, in writing, to the Title IX Coordinator within two (2) business days of the issuance of the Notice of Outcome and concurrent Notice of Appeal Rights. The Title IX Coordinator

will share the content of the appeal with the non-appealing party (or the respective appeals with each party, where both the Parties have appealed), who will have two (2) business days to submit (if desired) a written Appeal Response, with any supporting documentation, to the Title IX Coordinator.

During this time, either of the Parties may schedule, with the Title IX Coordinator, a review of the final Investigative Report, its exhibits, and any written impact or mitigation statements that were submitted.

Selection of Appeal Officer. At the conclusion of the collective four (4) business days, the Appeal will be assigned for review within one (1) business day, either to the Title IX Coordinator, him/herself, or to another Appeal Officer (as defined above). Concurrently, the Title IX Coordinator will notify the Parties, in writing, of the designated Appeal Officer, and provide one (1) business day to object, in writing, on the basis of bias or conflict of interest. If there is a timely objection, and the Title IX Coordinator determines that there is a valid bias or conflict of interest, a new Appeal Officer will be appointed, subject to the same objection rights. This process may continue until a suitable Appeal Officer has been selected, though the President or an outside Appeal Officer may be selected to avoid delay.

Role of Appeal Officer. The role of the Appeal Officer is limited. Appeals are not intended to be a full rehearing of the complaint. Appeals are confined to the grounds stated above and a review of the Appeal Record, which includes the final Investigative Report (including its exhibits), any written impact or mitigation statements, any Hearing Addendum, the Appeal (and any supporting documentation), and the Appeal Response (with any supporting documentation), if submitted.

Burden of Proof on Appealing Party. The findings contained in the final Investigative Report and made by the Hearing Panel are presumed to have been decided reasonably and appropriately. The person appealing carries the burden of proof to demonstrate that either the alleged error, or the proposed new evidence, would significantly and materially impact the outcome of the proceeding, or that the sanction(s) are significantly and materially disproportionate to the findings.

Initial Review. The Appeal Record shall be made available to the Appeal Officer within one (1) business day of his/her appointment. The Appeal Officer will review the Appeal Record and determine, within three (3) business days, whether any grounds for the appeal are substantiated. If not, the Appeal Officer will notify both Parties of that outcome by or at the conclusion of the three (3) business days.

Resolution of Successful Appeals. If there are substantiated grounds for an Appeal, the Appeal Officer will notify the parties at that time. Such Appeals will be resolved, when possible, within ten (10) calendar days of the Appeal Officer's notice to the Parties that the ground(s) for Appeal were substantiated. The Appeal Officer's decision is final and not subject to appeal.

Appeals that proceed will be carried out as follows:

- **Procedural Error** – in consultation with the Title IX Coordinator, the Appeal Officer will direct the correction of the error. For example, an Investigator may be required to correct the Investigative Report, and the Hearing Panel may be required to reconsider its findings in light of the correction (though not necessarily hold a new Hearing). In rare cases, where procedural errors cannot be corrected, a new Hearing may be rescheduled, or a partial or full Investigation may be reordered. In the event of a new, full Investigation, the findings in the new, final Investigative Report must include an ultimate determination of “In Violation” or “Not in Violation,” based on the Preponderance of Evidence standard. In such a case, the Title IX Coordinator will be responsible for issuing any sanctions, if required, and all findings and sanctions are not appealable.
- **New Evidence** - in consultation with the Title IX Coordinator, the Appeal Officer will direct that additional Investigation be conducted and incorporated into the Investigative Report, which will be finalized consistent with Investigation procedures. In such a case, the Hearing Panel will be directed to reconsider its findings/determinations in light of any new information. Any results from reconsideration are not appealable.
- **Disproportionate Sanctions** – in consultation with the Title IX Coordinator, the Appeal Officer will modify the sanctions. Any modified sanctions are not appealable.

ADDITIONAL PROVISIONS

NOTIFICATIONS

The Title IX Coordinator will make reasonable efforts to ensure that the Complainant and the Respondent simultaneously are notified of the status of resolution processes, consistent with this policy. Both Parties may, at any time, request a status update from the Title IX Coordinator.

MODIFICATION OF PROCESSES

The College will follow the processes described in this policy, barring exceptional circumstances. In rare instances, however, the College may be required to adapt or modify the processes (including timelines) to ensure prompt and equitable resolution of a report of prohibited conduct. The College reserves this right. In such instances, the College will notify both Parties of the modification and, where appropriate, the circumstances requiring the College to adapt or modify the processes.

PAST SEXUAL HISTORY

In general, a Complainant's prior sexual history is not relevant and will not be considered by a Hearing Panel or other individual or group determining outcomes of an alleged violation. Where there is a current or ongoing relationship between the Complainant and Respondent, and the Respondent alleges consent, the prior sexual history between the Parties may be relevant to assess the manner and nature of communications between the Parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the Complainant with other individuals is typically not relevant and will not be permitted.

RESPONDENT'S PRIOR CONDUCT HISTORY

Where there is evidence of pattern of conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to determinations of responsibility and/or the determination of sanctions. The Title IX Coordinator may determine or may be consulted to make a determination of relevance based on an assessment of whether the previous incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. Where there is a prior finding of responsibility for a similar act of prohibited conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.

The College, through the Title IX Coordinator, may choose to provide this information to the Investigator and/or Hearing Panel, with appropriate notice to the Parties. Alternatively, a party may request in writing that information under this section be admitted. A request to admit such information must be submitted to the Title IX Coordinator, who will assess the relevance of this information and determine if it is appropriate for inclusion in the Investigative Report and/or consideration by the Hearing Panel.

CONSOLIDATION OF INVESTIGATIONS

The Title IX Coordinator has the discretion to consolidate multiple reports against a Respondent and/or cross-complaints between a Complainant and a Respondent, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident. Matters may be consolidated where they involve multiple Complainants, multiple Respondents, or related conduct under other College policies.

FAILURE TO COMPLY WITH INVESTIGATION AND DISCIPLINARY PROCESS

If an Advisor fails to comply with the procedures set forth herein, including, but not limited to, through a material breach of confidentiality, the College reserves the right to exclude the Advisor from further participation in the process.

If a participant fails to comply with the procedures set forth herein, including, but not limited to, through a material breach of confidentiality, the College reserves the right to bring additional charges of misconduct against the participant. The Title IX Coordinator is responsible for interpreting and applying this provision.

PREVENTION, AWARENESS, AND THIRD PARTIES

The College is committed to the prevention of conduct prohibited under this policy and offers ongoing education and awareness programs for students.

EDUCATIONAL PROGRAMS

To create a climate of awareness of sex offenses, unhealthy relationships, and resources and options available to impacted students, and to promote responsible behavior, the College offers educational sessions and training through the Division of Campus Life. Programs are offered to the College's students, faculty, and staff on an ongoing basis, and include targeted programs for certain groups, such as residential students and student athletes.

REDUCING THE RISK OF BEING SEXUALLY ASSAULTED

The following, non-exhaustive list of suggestions are offered as guidance to help reduce the risk of being sexually assaulted.

- Communicate your limits clearly.
- Express quickly, firmly, and clearly.
- Say "NO." Avoid giving mixed messages. Polite approaches may be ignored or misunderstood.
- Know where you are going and be comfortable with the plans.
- Do not go anywhere with someone that you do not know well.
- If you leave a party with a new friend, tell the friends you came with where you are going and when you are returning.
- 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. Do not 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 concerning 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 do not do what they want
 - Tries to make you feel guilty to get his/her way
 - Is under the influence of alcohol or other drugs

REDUCING THE RISK OF COMMITTING SEXUAL ASSAULT

The following, non-exhaustive list of suggestions are offered as guidance to help reduce 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 that the person does not wish to participate and stop.
- Do not assume that if someone has engaged in sexual activity before that he/she wants to do so again.
- Do not assume that if your partner consents to some activities, such as kissing or other sexual activities, that he/she consents to all sexual activities.
- Understand that if you engage in any form of sexual activity with someone who is intoxicated, drugged, passed out, or otherwise incapable of saying “no,” or that is unaware of his/her surroundings, you may be guilty of sexual assault.

BYSTANDER INTERVENTION

The College wishes to stress the importance of looking out for each other and intervening for or on behalf of individuals who are being violated. 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). If you are a bystander that is witnessing an act of prohibited conduct under this policy, please call Campus Security for assistance or directly escalate to “911” where emergency or law enforcement response is necessary or appropriate.

NOTE TO FRIENDS, FACULTY, AND STAFF

Someone may come to you about, or you may learn of, an incident of misconduct under this policy. If someone comes to you regarding an incident or experience, encourage the person to report the incident, seek medical attention where any physical conduct is involved, and pursue counseling. If the individual will not report the offense, you may or must (in the case of Responsible Employees) inform the Title IX Coordinator(s) of the report. If the Title IX Coordinator cannot be reached, contact the Deputy Title IX Coordinator, Director of Safety, Security, and Risk Management, and/or College Counseling Center of the incident.

Relevant details to report include, but may not be limited to, any known date, time, and location of the alleged misconduct; the names of the persons who provided the report, experienced the alleged misconduct, and are accused of committing the alleged misconduct; and the names of any other students involved in the alleged misconduct.