

STUDENT DISCIPLINE CODE OF CONDUCT

Introduction to the Discipline Code of Conduct

As a private educational institution affiliated with the United Methodist Church, Reinhardt College is interested in and concerned with the total development of the individual, including the development of social responsibility and good citizenship. The disciplinary function of the College is an integral part of the educational mission of Reinhardt. The Code of Conduct and disciplinary process emphasize the development of the individual's acceptance of his or her personal and social responsibilities and the protection of the campus community. Reasonable efforts are made to foster the personal and social development of those students who are held accountable for violations of the Code of Conduct. In each student case, responsibility lies with the student for actions contrary to the Code of Conduct and subsequently the College mission.

There are alternative disciplinary processes that will be applied according to the circumstances, and more particularly, according to the severity of the violation or sanction being imposed. Through appropriate procedures, institutional disciplinary measures shall be imposed for conduct:

- that adversely affects the institution's pursuit of its educational objectives,
- that violates or shows a disregard for the rights of other members of the academic community; or,
- that endangers persons or property at a College-sanctioned event on or off institutionally controlled property.

The College reserves the right to require students to withdraw for medical, personal, physical, financial or any reasons otherwise determined by the Vice President for Student Affairs and Dean of Students and/or designee.

The College reserves the right to take action in such instances when the misconduct constitutes a violation of the Code of Conduct or is of such a serious nature that it suggests danger to any member of the College community (See Interim Suspension). In such cases, the College may initiate action whether or not legal action has been taken.

The College considers the Residence Halls and all campus property to be institutional property and directly under the jurisdiction of this Code of Conduct.

Not all violations of the Code of Conduct are of equal seriousness. In the following classification, the violations are divided into four levels according to severity. Charges and sanctions for offenses can be cumulative.

Student organizations are subject to the Code of Conduct as well.

Definitions

The Accused

"Accused" refers to the student that is being charged with an alleged violation of the Code of

Conduct.

The Complainant

"Complainant" refers to the person that is reporting the alleged violation.

Unbiased Adjudicator

Hearing officers shall remove themselves from hearing a case if they believe that they cannot be unbiased. The accused will be given the opportunity to object to a particular Council member if he or she believes the Council member cannot be unbiased. The Judicial Council in conjunction with the Vice President for Student Affairs and Dean of Students shall determine whether the Council member will continue to serve.

Closed Hearings

All proceedings of any hearings are closed, except for individuals as outlined in this process.

Hearing Record

Hearings are not recorded, as the decision letter serves as documentation of the evidence presented and decision reached.

Jurisdiction

Reinhardt College reserves the right to determine the jurisdiction (either disciplinary or academic) of an alleged violation based upon the facts and evidence related to the incident. Reinhardt College reserves the right to adjudicate violations of the Code of Conduct wherever they may occur.

Witnesses/Witness List

Witnesses may participate in hearings. A witness is a person who has personal knowledge of the incident at issue. A person who serves as a witness may not serve in any other capacity during the hearing. The accused must submit a list of witnesses to the Judicial Officer respectively no later than twenty-four hours before the hearing. The list should include each witness's name and a summary of the witness's expected testimony. It is the responsibility of the accused to bring his/her witnesses to the hearing at the scheduled date and time.

Presenting Evidence and Questioning Witnesses

The hearing officer will present the case material. The complainant may be present to represent any additional information he or she has regarding the alleged violation and present witnesses. The accused will have an opportunity to present relevant information and witnesses in response to the charge. The accused will have the opportunity to examine all information leading to the charge and to respond to all witness testimony. The hearing body may question witnesses. The accused and complainant may question witnesses directly.

Anonymous Evidence and Evidence Received Outside the Hearing

The hearing officer and/or Judicial Council may refuse to accept or hear any evidence coming from an anonymous source or evidence that is presented outside of the hearing.

Relevant Evidence

Formal rules of evidence shall not be applicable. The hearing body will decide whether to admit evidence. The rules of evidence used in courts of law are not followed in this process. Generally, the hearing body will agree to hear evidence that is relevant to the subject matter of the hearing and is fair and reliable under the circumstances of the case. Unduly repetitious or irrelevant evidence may be excluded.

Standard of Proof

The hearing process operates on a "Good Faith Investigation and Reasonable Conclusion" standard. Standards of proof found in the legal system do not apply.

Prior Disciplinary Records

Disciplinary records remain on file throughout the students' enrollment. If a student has a prior disciplinary record, that information is not available to the hearing body unless the accused is found in violation of a charge. Once determined to be in violation, the prior record may be considered in determining appropriate sanctions.

Interim Suspension

The Dean of Students or a designee may suspend a student for an interim period pending appropriate proceedings. An interim suspension is to become effective immediately, without prior notice, upon a finding by the Dean of Students or a designee that the continued presence of the accused student on the College campus poses an immediate or substantial threat to the well being of the accused or any other member of the College community. This threat may be to the integrity of institutional property or the personal property of members of the College community, or when the accused student might pose a substantial disruption to the continuance of normal College functions.

During an interim suspension, the student shall be denied access to the residence halls and/or campus (including classes), and/or all other College activities or privileges for which the student might otherwise be eligible based on what the Dean of Students or a designee may determine to be appropriate.

A preliminary hearing will be held by the Dean of Students or designee within five (5) working days of the interim suspension to determine if the suspension should continue. A formal hearing concerning suspension or exclusion shall be held no later than five (5) working days after the preliminary hearing of the interim suspension.

Individuals and Groups Associated with Adjudicating Disciplinary Violations

Once a complaint is reported to the appropriate Judicial Officer, the accused may choose one of the following avenues to have their case adjudicated. The accused will sign a form indicating their choice.

Judicial Officer (Administrative Hearing Officer)

The Vice President for Student Affairs and Dean of Students will appoint a member of the student affairs staff to serve as the Judicial Officer responsible for adjudicating disciplinary cases. The role and responsibility of the Judicial Officer is to serve as an initial investigator and hearing officer for student disciplinary violations as well as a co-advisor to the Judicial Council.

Please note: The Vice President for Student Affairs and Dean of Students reserves the right to serve as the administrative hearing officer when, in his/her judgment, a violation of the Code of Conduct has occurred, and the health and welfare of an individual student or members of the community is best served by doing so. Appeals of any action resulting from such procedures may be presented to the Judicial Council.

Judicial Council

The Judicial Council, composed of students, faculty and staff may serve as the initial hearing body as well. The Judicial Council will also serve as the first level of appeals regarding disciplinary findings and sanctions from the administrative hearing officer. The composition of the Judicial Council is established in the Constitution of the Student Government Association.

Chairperson of Judicial Council

During a formal hearing of the Judicial Council, the senior faculty member present shall serve as the chairperson of the Judicial Council during hearings and deliberations. The Judicial Council chair is responsible for maintaining order during the hearing and may take all steps reasonably necessary to ensure an orderly hearing. The chairperson of the Judicial Council during hearings and deliberations may only vote in the case of a tied vote. The Chairperson writes the hearing decision on behalf of the Council at the conclusion of the hearing.

Witnesses

A witness is a person who has personal knowledge of the incident at issue. A person who serves as a witness may not serve in any other capacity during the hearing.

Multiple Parties

If one incident results in more than one student being charged with violating the College's Disciplinary Code of Conduct, the Judicial Officer or the Judicial Council may request that the hearings be combined. A student may request a separate hearing, which will be granted for good cause shown. In case of dispute, the Hearing Officer or Judicial Council's decision is final.

Advisors

The accused may bring an advisor to the hearing for personal support. The accused must notify the College's designated Judicial Officer or the Judicial Council respectively at least twenty-four hours in advance of the hearing of his/her intent to have an advisor and the advisor's name. All advisors must be members of the College community (faculty, student or staff member) must have no other role in the hearing, and may not address the Judicial Council on behalf of the advisee or otherwise represent their advisees. The accused may be represented or accompanied by legal counsel only if criminal or civil charges apply.

Failure to Participate in the Adjudication Process

During any stage of the adjudication process, should the accused fail to cooperate, ignores or otherwise does not participate in the adjudication process, the accused shall be subject to the decisions, recommendations and/or sanctions of the adjudicating body, even in his/her absence. If the accused fails to attend the Preliminary Review, Disciplinary Hearing and/or an Appeals Hearing, the hearing will proceed and a finding will be reached based upon available evidence. If the accused withdraws from the College prior to adjudication of the case, the case will still be

resolved through the process outlined in this policy.

The Adjudication Process

The following protocols and procedures shall be observed:

- The accused shall be advised, in writing, of the time and place of the hearing at least five (5) working days prior to the hearing.
- The accused shall be afforded reasonable access to incident reports or other pertinent documents (as determined by the Vice President for Student Affairs and Dean of Students) prior to and during the hearing.
- The accused is responsible for presenting his or her own case, and the accused has the privilege of presenting pertinent documents, written information, or witnesses subject to the right of cross examination by the Judicial Officer and/or the Judicial Council.
- The accused has the right to a fair, impartial hearing that is kept closed and confidential unless, in accordance with federal law, information is required to be released by a valid court order

Step 1 - Reporting of Disciplinary Violations

Student disciplinary complaints may come from a variety of sources including public safety incident reports, residence life reports, other students, faculty, staff, and off campus individuals. All alleged disciplinary violations received will be reviewed by the Judicial Officer to determine validity and be referred for further investigation and possibly disciplinary action.

Step 2 -- Preliminary Review

Upon receipt of a report of an alleged violation from any source, the designated Judicial Officer has the duty to investigate, and consult with relevant parties regarding the incident in question. The Judicial Officer will first review the report and relevant evidence. Following the initial review of the report/evidence and meeting with the involved parties, the Judicial Officer will then determine if the report would constitute a violation of the Disciplinary Code of Conduct. A determination will be made and the accused will be advised as to whether or not subsequent disciplinary proceedings are necessary. If the Judicial Officer determines that proceedings are necessary, the accused will be afforded a hearing with the appropriate adjudicating body.

The accused that has been alleged to have violated the Code of Conduct will receive written notice detailing the incident and of charge of alleged disciplinary violation(s) within five (5) working days of the charges against him or her and the privilege of speaking in his or her own behalf. During the course of a Preliminary Review, the Judicial Officer will meet with the accused that has allegedly violated the Disciplinary Code of Conduct. At that time the accused will be given the opportunity to explain his or her version of the incident and present evidence in his or her behalf. A Preliminary Review may be converted into a Disciplinary Hearing if the student elects to do so. In the case where an accused accepts responsibility, the Judicial Officer will adjudicate the case and describe the terms of sanctions.

When a violation has occurred in the judgment of the Judicial Officer, but the student claims

innocence, a hearing is required. In addition, the Judicial Officer may refer to the Judicial Council any case which is unduly complex or which contains a genuinely disputed issue of the facts(s).

Step 3 - Disciplinary Hearing

Upon completion of a Preliminary Review a Disciplinary Hearing will be scheduled within five (5) working days unless the student waives his right to a hearing. If the accused fails to appear for a disciplinary hearing their case will be heard even in their absence.

The decision of the judicial body will be based on the facts and testimony presented at the hearing. If the accused chooses to accept the decision offered by the hearing body, the decision and assignment of sanctions is final. Following the Disciplinary Hearing, the accused will be informed in writing of the decision by the hearing body. Cases that involve the recommendation of suspension or expulsion will be reviewed by the Vice President for Student Affairs and Dean of Students or designee.

The hearing body will determine whether the accused is "responsible" or "not responsible" for the alleged violation. In regards to the cases heard by the Judicial Council, a majority vote is needed to determine responsibility. The accused will be presumed "not responsible" until proven otherwise by the good faith investigation/reasonable conclusion standard. This standard is reached when the hearing body concludes that it is more likely than not that the accused violated the Code as alleged in the charge. The hearing body will provide a written decision stating how the decision was reached. If the accused is found responsible, the hearing body will recommend sanctions to be imposed. When doing so, mitigating and aggravating circumstances may be considered. Factors that may be considered include the following:

- 1). Past disciplinary history of the accused;
- 2). Nature of the offense;
- 3). Whether the accused promptly took responsibility for his or her actions;
- 4). Any lack of honesty or cooperation by the accused during any investigation or judicial proceeding.

All decisions involving suspension or expulsion take the form of recommendations to the Vice President for Student Affairs and Dean of Students.

The accused will be advised, in writing, of the hearing body's decision within five (5) working days of the decision. A hearing body may deliver the decision in person or via U.S. mail or e-mail, as well as the method of appeal.

Upon receiving the decision of the hearing body, the accused has a right to appeal the decision as described below.

Step 4 - Appeals

If the accused chooses to appeal the decision of the original hearing body, the matter will proceed to the appropriate appellate body. Should the accused choose the Judicial Council as the initial hearing body, the Director of Residence Life (or designee) shall serve as the appeals body. Should the accused choose the administrative hearings option as the initial hearing body,

the Judicial Council shall serve as the appeals body. In cases where the Vice President for Student Affairs and Dean of Students adjudicates cases, the Judicial Council will serve as the appellate body. As stated earlier, all cases involving suspensions and expulsion will be reviewed by the Vice President for Student Affairs and Dean of Students.

A general dissatisfaction with a disciplinary decision is not grounds for an appeal. Grounds for appeal may be based on one or more of the following:

- An error in disciplinary procedure by the body of the original jurisdiction that prejudiced the accused to the extent that he or she was denied a fundamentally fair hearing as a result of the error;
- The emergence of new evidence that could not have been previously discovered by the exercise of due diligence and/or was not reasonably available at the time of the hearing and which, had it been presented at the disciplinary hearing, would have substantially affected the decision of the adjudicating body; or,
- There was a clear abuse of discretion on the part of the hearing body.

If the accused chooses to appeal the finding or sanctions of the original hearing body, a written appeal must be submitted within (5) five working days of receiving the decision stating the appropriate ground for appeal and any viable solutions. The appeal should be submitted to the Judicial Officer. During the time the decision is under appeal, findings and sanctions are placed on hold until a final decision can be made. Under rare circumstances, the College reserves the right to invoke or remove certain privileges and require the appeal be made from off campus. Interim suspensions as described in this process may apply as well. Action available to the appellate body is as follows:

- Affirm the finding and sanctions imposed by the original adjudicating Judicial Officer and/or the Judicial Council;
- Affirm the finding/decision and reduce, but not eliminate, the sanction;
- Remand the case to the original adjudicating body if specified procedural errors were so substantial as to effectively deny the accused of a fair hearing; or if new and significant evidence becomes available that could not have been discovered by a properly diligent investigation before or during the original hearing, the decision of the lower board on remand shall be final and conclusive, or
- Uphold the appeal and set aside the original finding if it is held to be arbitrary and capricious or if new evidence provides sufficient proof of innocence.

The appellate body will render a written decision regarding the appeal within five working days of the appeal meeting. The appeal decision may modify the Judicial Officer and/or Judicial Council decision, including sanctions, as warranted. The appeal decision is final.

Step 5 – Post Adjudication Process

If the accused fails to comply with the sanctions finally imposed upon him/her within a specified time period, the Judicial Officer and/or Judicial Council and/or Vice President for Student Affairs and Dean of Students may impose additional charges on the Party. In addition to the sanctions, the College may place a hold on the student's future registration privileges with the

College. Such a hold results in a cancellation of all pre-registered courses. The hold remains in effect until the outstanding matter and sanctions have been resolved.

Disciplinary Offenses

Not all violations of the Code of Conduct are of equal seriousness. In the following classification, the violations are divided into four levels according to severity and sanctions, and each offense is cumulative. Cumulative means that a second offense in any of the four levels may result in the second offense moving the charge to the next level. The hearing body reserves the right to increase the violation-level based on the severity of the offense. Individual or organizational misconduct that is subject to disciplinary sanction shall include but not be limited to the following penalties:

LEVEL I: Reprimands and/or \$25 fine and 0-20 Hours of Community Service

Reprimands generally provide a stated period of time during which the accused is on notice that any further violations of the Code of Conduct will result in a more severe sanction. Reprimands are the usual action taken for Level I violations although other actions, such as fines or restrictions, may be added with whatever content the Dean of Students deems appropriate.

The following violations constitute Level One offenses:

- A. Disorderly conduct, excessive noise, irrational or disruptive behavior, indecent or obscene conduct or language on College property or at a college-sponsored and supervised event, disrespect of any college community member or guest;
- B. Continued violation of courtesy or quiet hours in the residence halls;
- C. Improper use of fire (including the burning of candles, incense, etc.);
- D. First offense possession of a pet other than a fish. *Note: Tank size should be no larger than 1 gallon;
- E. Unauthorized visitation in residence halls, which includes unauthorized overnight guests or unescorted guests;
- F. The display of signs, clocks, stickers, posters, or other objects relating to alcoholic beverages, drugs, drug paraphernalia, or obscene materials; nude, partially nude, sexually provocative pictures or other objects;
- G. Wearing of apparel or buttons that display or primarily promote alcoholic beverages or drugs or that are obscene in nature;
- H. Gambling on campus;
- I. First offense possession or use of alcohol, or
- J. First offense of smoking/tobacco use in non-designated areas;
- K. Aiding and/or abetting in the violation of any of the provisions of this Code of Conduct.

LEVEL II: Restrictions and/or \$50 fine and 20-30 Hours of Community Service

The term restrictions shall be defined at the discretion of the Dean of Students or designee. The hearing body may designate a period of time when certain privileges are denied (i.e. residence visitation, right to hold an office in a campus organization, participation in intramural or intercollegiate athletic sports, participation in campus activities, etc). Restrictions may also designate a period of time when certain requirements are placed upon

the one being disciplined (attending counseling sessions, volunteer work for community agencies, campus clean-up, etc.). Failure to comply with conditions of campus restrictions may result in suspension from school. Violations include but are not limited to:

- A. Property damage or theft less than \$200.00 (reimbursement for damages will always be required in addition to the stated fine);
- B. Refusal or failure to respond to a request to report to or cooperate with a College official (including Public Safety Officers, Residence Life Coordinators, and Resident Assistants), deceiving a College official;
- C. Second offense - visitation violation;
- D. Storing, possessing, or igniting of firecrackers or fireworks;
- E. Invasion of privacy by trespassing or being present in another person's office or area without authorization, unauthorized use of or entry into a College facility;
- F. Tampering with a witness before or intimidating a witness after a judicial hearing, failure to cooperate with the Judicial Officer or Judicial Council;
- G. Misuse of College electronic and computer resources including improper internet usage (minor infraction);
- H. Prank telephone calls, or
- I. Second offense of alcohol possession or use;

LEVEL III: Probated Suspension/Suspension and/or \$100.00 fine and 30-50 Hours of Community Service

Violations at Level III may result in probated suspension/suspension from the College, although other disciplinary actions, such as loss of residential living privileges, may be considered as well. Students can be dismissed from residential halls or restricted from visitation. Suspension is a separation from the College for a specified period of time. During a College suspension, a student is excluded from classes and all other College privileges or activities. Often the student is prohibited from the campus as well. No academic credit earned during the period of suspension at any other institution may be transferred to Reinhardt College. Violations include but are not limited to:

- A. Property damages or theft of more than \$500.00;
- B. Tampering with fire equipment, setting off a false fire alarm;
- C. Storing or possessing of weapons, with or without permit, (including hunting bows, knives that have more than a 3 inch blade, air rifles and B.B. guns), explosives, and firearm ammunitions;
- D. Third offense of alcohol possession or use;
- E. Conduct jeopardizing the health, safety, or civil rights of any member of the Reinhardt College community (includes sexual, mental, or physical harassment whether by an individual or group); generally, harassment on the basis of religion, disability, race, or gender including conduct that has the purpose, or has the reasonably foreseeable effect, of interfering with an individual's academic efforts, employment, or participation in institutionally sponsored activities, including any activity that creates an intimidating, hostile, or demeaning environment;
- F. Violation of Sexual Ethics policy;
- G. Harassing, threatening or obscene phone calls;
- H. Arrests for violations of local, state, or federal laws.

LEVEL IV: Probated Expulsion/Expulsion

A level IV violation may result in expulsion from the College, which means permanent dismissal from the College. However, a Level IV violation may result in whatever sanction the Dean of Students deems appropriate. Violations include, but are not limited to, the following:

- A. Vandalism in excess of \$500.00;
- B. Reckless endangerment of life, including violent, abusive, disruptive, or destructive behavior;
- C. Forgery, falsification, or other misuse of College documents, records, or identification cards;
- D. Physical or mental abuse of any member or guest of the College community on institutional premises or at College-related activities;
- E. Sexual assault, rape, attempted sexual assault, or attempted rape, (resulting in contacting local authorities immediately);
- F. Use or possession of a firearm of any kind, anywhere on campus, including residence hall or vehicle, or
- G. Use or possession of illegal drugs (violation of state or federal laws).

Other Guiding Policy

Victims Rights:

Students who are victimized by violations of the College's Code of Conduct where the sanction of suspension or exclusion is sought against an alleged offender(s) shall be provided with certain rights. Although the actions shall be addressed during the disciplinary process, the right and responsibility for disposition of any individual complaint is reserved for the College. If a victim withdraws his or her complaint or refuses to cooperate during the course of the disciplinary procedures, the College reserves the right to proceed using other evidence that may be available. The rights provided to a victim are as follows:

- 1. The victim shall be advised, in writing, of the time and place of the of the hearing at least five (5) working days prior to the hearing;
- 2. The victim shall be given the opportunity to meet with the Dean of Students, or designee, to discuss the disciplinary process;
- 3. The victim shall be given the opportunity to submit a written account of the alleged incident;
- 4. The victim shall have the right to be accompanied by an advisor (faculty, student or staff member) for all stages of the process. The advisor participation shall be limited to advising the student. The student may not be accompanied by legal counsel unless legal charges apply;
- 5. The victim shall be afforded an opportunity to testify during the disciplinary hearing. During this testimony the student should expect cross-examination;
- 6. The victim has the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in the dismissal of the allegations for lack of evidence;
- 7. The victim shall be allowed to submit a written impact statement to the hearing body; and,
- 8. The victim shall be notified, in writing, of the hearing body's decision within 5 working days from the decision.

Rights and Responsibilities of the Accused

Every student at Reinhardt College is expected to conduct him or herself in a manner keeping with the College's Statement of Purpose, the Reinhardt College Code of Honor, and Code of Conduct. Every student will be given a fair hearing, and each case brought before the designated Judicial Officer and the Judicial Council will be treated individually. Accused students may have an advisor present at their hearings. Students may choose to settle judicial cases with the hearing officer.

Specific Rights of the Accused:

- A. The right to receive written notice of charges within 24 hours if possible;
- B. The right to discuss the alleged violations with the Judicial Officer or designee;
- C. The right to receive a copy of the charges being brought against the student;
- D. The right to a fair, impartial hearing that is kept closed and confidential unless with federal law, information is required to be released according to federal guidelines or a need to know basis;
- E. The right to question witnesses;
- F. The right to present evidence;
- G. The right to know the outcome of the hearing as soon as possible;
- H. The right to appeal.

Disregard of Sanction

In order to promote a positive living/learning environment, it is essential for the members of the campus community to exercise good judgment and demonstrate respect for the Code of Conduct. The Code of Conduct is a standard set by the College and all sanctions are expected to be completed in a timely manner and are to be taken seriously. Students who fail to complete all mandated sanctions could be prohibited from registering for classes, receiving grades, transcripts, diplomas or any other official documentation from the College.

Student Disciplinary Records:

Disciplinary records, other than suspension or expulsion, are retained for seven (7) years after graduation. Records of suspensions and expulsions are maintained indefinitely. A sanction may specify that records should be retained for a longer period. No reference to the suspension or expulsion will be made on the student's transcript unless the sanction so specifies. All disciplinary records are kept confidential. Other Reinhardt College officials are notified, however, when appropriate under the Federal Educational Rights and Privacy Act (FERPA) guidelines. Disciplinary records will be released to other institutions or should "right to know" standards apply as required by law.

Residence Hall Guidelines:

Cumulative violations of the Code of Conduct or proof of a Level III or Level IV offense may mean dismissal from the residence halls. The role of the Residence Life Coordinators and Resident Assistants is to help provide and ensure a safe and comfortable living and learning environment for resident students. However, when violations of the College Code of Conduct occur in the residence halls, the Residence Life Coordinators and the Resident Assistants have the authority to deal directly with some violations and to make recommendations to the Office of Student Affairs and Residence Life. It should also be noted that refusal or failure to respond to or cooperate with a Residence Life Coordinator or the Director of Residence Life is in itself a Level II violation. Guests of residents are expected to abide by all the residence hall regulations, and residents are responsible for their guests' behavior. When at all possible all Level I and Level II violations will be handled directly by the Director for Residence Life and/or designee. *Please note:* Residence Life personnel will assist residents when locked out of their room. The

first two unlocks are free. Additional unlocks will be based on an incremental \$5 fee (i.e., \$5, \$10, \$15, etc).

Alcohol:

Alcohol is strictly prohibited on campus. Use, possession, sale, and/or acting under the influence of alcoholic beverages on campus will be determined by the following:

- a) Physical evidence: any container of an alcoholic beverage whether empty, full, or partially full will constitute sufficient evidence to find a student (or students), in a room (or suite) or in an automobile, guilty of possession of alcoholic beverages on campus.
- b) Physiological Evidence: any physiological indication of intoxication.
At the discretion of the Dean of Students, the following disciplinary actions may be taken:
 - Written warning on file in Dean of Students office, mandatory evaluation through the Reinhardt College Counseling Center, and a letter may be sent to parents.
 - Recommended counseling, letter to parents and possible dismissal from residence hall, and 20-30 Hours of Community Service.
 - Dismissal from residence hall or from College.

Drugs:

Use, possession, sale, or being under the influence of illegal drugs, including but not limited to narcotics, hallucinogens, cocaine, amphetamines, or illegally used prescription drugs, or evidence of drug paraphernalia is strictly prohibited and may result in immediate dismissal from residence halls and/or from Reinhardt College.

General Provisions Regarding the Possession and Distribution of Illegal Drugs Possession, sale, or use of narcotic, mind-altering, or other illicit drugs, except for one's own prescription by a licensed physician, is prohibited by the College, local ordinances, as well as state and federal laws. Possession or use of prescription drugs prescribed to another individual is prohibited by the College. The re-sale of one's own prescription is prohibited by the College.

Reinhardt College will cooperate with all law enforcement agencies in the enforcement of such laws, on campus and off, and will not protect a student from such enforcement. Anyone who violates the drug policy is subject to the College's sanctions and to criminal sanctions. Therefore, in addition to the College sanctions listed below, criminal penalties may be imposed upon a person convicted of an offense.

Reinhardt College will assist students who voluntarily submit themselves to College officials for counseling and help with the misuse of alcohol or drugs. Under no circumstances will Reinhardt permit students to sell or distribute drugs to others.

Persons convicted of drug possession under state or federal law may be ineligible for federal student grants and loans.

Actions for Possession of Illegal Drugs

Students found in possession of illegal substances will:

- a) Have a letter sent home to the parent(s) or guardian informing them of the

- charge and the hearing date within five (5) working days of the citation.
- b) Have a hearing. If the student is found responsible, the hearing body will recommend appropriate sanctions. The hearing body shall notify the student, in writing, of its verdict of innocence or guilt within five (5) working days of the hearing date. The Dean of Students or designee can expel the student from the residence halls, suspend the student, recommend the student for counseling and educational programming, or recommend other actions.

For those individuals who are members of NAIA sanctioned teams, positive results of drug testing will be referred to the Dean of Students or designee for processing to begin a formal hearing.

Sanctions for Possession with Intent to Sell or Distribute:

Reinhardt College students found responsible for possession with intent to sell or distribute illegal drugs on campus and/or off campus will be expelled from Reinhardt College.

Sanctions for the Possession of Drug Paraphernalia:

Students may not use or possess drug paraphernalia on campus. Possession of these devices will result in a charge of a violation against the drug policy and the Code of Conduct.

Federal Regulations on a Drug-Free Workplace

The Federal Drug Free Schools and Communities Act Amendments of 1989 require all public and private institutions of higher education to develop, distribute, and publicize a policy outlining the following:

- (1) Standards of conduct and sanctions;
- (2) Health risks;
- (3) Information on assistance and counseling;
- (4) Educational programs; and,
- (5) Legal sanctions regarding alcohol and drug use.

The intent of the legislation is to address the problem of underage and irresponsible drinking and/or use of illicit drugs on college campuses.

Smoking/Tobacco:

Reinhardt College has adopted a campus wide smoking and tobacco use policy to establish a clean and healthy environment for the entire community. Failure to use tobacco products in designated areas will result in a violation of the Code of Conduct. The first violation of this policy will result in a Level I violation and each continuous offense will move up to the next level. This policy includes use of tobacco within the residence halls and apartments.

Sexual Harassment:

Reinhardt College prohibits and will not tolerate sexual harassment. Sexual harassment is reprehensible. It violates the personal rights, growth, and integrity of the victim. It is especially damaging when it involves exploitation of the relationship between faculty members or administrators on the one hand and students on the other or between superiors and subordinates of

any kind. When the authority and power inherent in such relationships are abused, there is damage not only to individual victims but also to the educational, professional, and social climate of the College. Individuals in positions of authority should be sensitive to whether consent can be chosen, as freely as it may seem, as well as to the conflicts of interest that are inherent in personal relationships where professional and educational relationships are also involved.

However, while sexual harassment most often takes place in situations where there is a differential in status between the persons involved, the College also recognizes that harassment may occur between persons of the same status.

Charges of sexual harassment are sometimes met with a contention that the person to whom the behavior was directed invited the behavior and consented thereto. However, where the person to whom sexual behavior is directed is in any way subordinate to the person who engages in the behavior, any supposed consent by the subordinate is subject to serious questions and should be carefully scrutinized. This is especially the case where the victim of the alleged harassment is a student and the perpetrator is a faculty or staff member.

The College questions the propriety of any amorous relationship between any member of the faculty or staff and any student. Virtually all faculty and staff members are, or appear to be, in a position to exercise power, directly or indirectly, over virtually all students, whether or not the students are enrolled in their classes or are otherwise subject to their direct supervision. Many of the students are at a time and stage in their development when they may be particularly vulnerable to the influence of faculty and staff members who are older than they and in positions of authority and respect. Indeed, the respectful attitude of students toward faculty and staff is an important ingredient in the educational process, and the greatest care must be taken that it not in any way be abused. It should also be kept in mind in this connection that even if a fully mature student consents to an amorous relationship with a faculty or staff member, the existence of such a relationship could have unintended adverse effects upon the state of mind of other students and upon the educational atmosphere of the College.

Harassment of Student by Students

Sexual harassment can occur between students where one student directs sexual conduct or remarks toward another student, when the behavior is unwanted and not freely consented to by the latter student, especially when the former student knows or should reasonably know that the behavior is not wanted and not freely consented to. Examples of sexual harassment in this context include but are not limited to unwanted sexual propositions or patterns of conduct which cause discomfort or humiliation, such as sexually explicit comments, unnecessary and unwanted touching, or remarks about sexual activity or experience. Such conduct can have the effect of unreasonably interfering with academic performance and create an intimidating, hostile, or offensive learning environment, thereby infringing upon the rights of third parties as well as the rights of the student to whom it is directed.

Sexual Assault/Harassment Survivor Advocacy

Reinhardt College is equipped to assist survivors of sexual assault/harassment issues. An on-campus sexual assault advocate can assist survivors to get the help they need such as emotional

support, medical examinations, and serve as a referral source for legal options. Another role of the advocate is to help educate all members of the campus community about what can constitute sexual assault/harassment and the harm caused by such activity. Persons with questions relating to sexual assault/harassment are encouraged to consult with the Campus Chaplain for assistance. The campus advocate works closely with the Sexual Assault Center of Northwest Georgia. To contact the campus advocate please call 770.720.5634. The hotline for the Sexual Assault Center of Northwest Georgia is 706.802.0580 or via the internet at www.sacnwga.org.

Sexual Ethics:

In the context of Reinhardt's purpose and religious commitment, we believe that human love and sexuality find their most natural expression through marriage. Therefore, the College, in order to encourage students to refrain from pre-marital sexual relations and to engage in prudence and social responsibility, prohibits sexual contact and other inappropriate sexual behavior on its campus and considers such to be a violation of the Code of Conduct. Failure to abide by the sexual ethics policy will result in the Director of Residence Life assigning the appropriate sanctions as outlined in the Code of Conduct.

Harassment:

The sensitivity of the issue of harassment and the very real legal ramifications emanating from charges of harassment make it imperative that an institution of higher education address the problem thoroughly for both employees and students. Legal basis for claims of harassment may be made under Title VII of the Civil Rights Act of 1964, as amended; Title IX of the 1972 Education Amendments; and Executive Order 11426. An offender is subject to criminal liability for assault and battery and civil actions for tortuous interference with an employment contract, intentional infliction of emotional harm, breach of contract, or interference with the performance or progress of students. Harassment will not be tolerated by the College and may be grounds for immediate suspension, dismissal, or other appropriate action. Students who believe they have been harassed are asked to report any acts to the Dean of Students for immediate disposition.

Education and Counseling for All Students

Education:

Reinhardt College is committed to education and the sound development of mind, body, and spirit. Therefore, a commitment to alcohol and drug education is a continuing priority at Reinhardt College. Educational programs are organized and conducted throughout the year to promote continued awareness and to encourage an attitude of concern and caring for others. Information on responsible use, effective social planning, indications of abuse or addiction, and resources for assistance are available through Reinhardt College Counseling Services. Examples of these programs include, but are not limited to:

- a) Residence Hall programming facilitated by the Residence Life Staff;
- b) Student wellness seminar;
- c) Alcohol Awareness and other focus weeks;
- d) Community-wide educational programs;
- e) Training opportunities and workshops with members of Student Life organizations; and,
- f) Substance-free social events in collaboration with Student Activities Office and Student Organizations.

Counseling:

Students are encouraged to look out not only for their own health and safety but also for that of their peers. When a student's health and/or safety is threatened or appears to be in jeopardy, immediate actions should be taken to prevent injury/illness/danger. The action might include calling a staff member in Health Services, Public Safety, Student Affairs, or the Residence Life offices to request assistance in handling the emergency. Whatever the particular need or problem, it is important to respond in a responsible and timely manner. While appropriate discipline is necessary, the College's first and foremost concern is the health and safety of its students, faculty, and staff.

Reinhardt is also committed to providing students with confidential referrals for professional assistance if it is needed. An awareness of the negative effects of alcohol consumption or drug use may assist a student in his or her efforts to make safe and responsible choices about alcohol and drugs. A student may make an appointment with a specialist for an assessment and/or counseling by contacting the Counseling Center. Counseling services are available to Reinhardt students on a time-limited basis. There is a network comprised of counselors in the local area who see Reinhardt students in their offices or on campus. Long-term counseling, specialized services, or outpatient/inpatient therapy are not covered by the tuition and fees.

Counseling, Evaluation, and Treatment Programs

In some cases of misconduct, such as those committed under the influence of alcohol or other drugs, participation in an evaluation and/or treatment program by the College counselors or an assigned, approved counseling service may be recommended as part of a sanction. Such treatment may also be a condition of readmission to the College or a condition of remaining at the College.