Title IX: Student Reference Manual
Disclaimer
The Title IX: Student Reference Manual is for informational purposes only and should not be construed as the basis of a contract between a student and the University. While provisions of the Student Handbook will ordinarily be applied as stated, Reinhardt University reserves the right to change any provision listed herein without notice to individual students. Every effort will be made to keep students advised of any such changes. Information on all changes will be available in the Office of Student Activities.

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Sexual Harassment and Sexual Violence

Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. §1681 et seq., is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, colleges, and universities (hereinafter "schools") receiving any Federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion.

The requirements and suggestions include:

- A school has a responsibility to respond promptly and effectively. If a school knows or reasonably should know about sexual harassment or sexual violence that creates a hostile environment, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects. Even if a student or his or her parent does not want to file a complaint or does not request that the school take any action on the student's behalf, if a school knows or reasonably should know about possible sexual harassment or sexual violence, it must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation.

- A criminal investigation into allegations of sexual harassment or sexual violence does not relieve the school of its duty under Title IX to resolve complaints promptly and equitably.

If you would like to read more about these requirements and guidelines the link is provided below: [http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.pdf)

Sexual Harassment Policy

Reinhardt University prohibits and will not tolerate sexual harassment. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Title IX protects students from sexual harassment in a university’s education programs and activities. Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the university, whether those programs take place in a university’s facilities, at a class or training program sponsored by the university at another location or elsewhere.

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, request for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person in incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent to intellectual or other disability. A number of different acts fall into this category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered by Title IX.

Sexual harassment consists of non-consensual sexual advances, requests for sexual compliance, and other verbal or physical conduct or written communication of a sexual nature, regardless of where such conduct might occur, when:

- Submission to the conduct is made either implicitly or explicitly a term or condition of an individual's
- Academic status or advancement in a college program, course, or activity.
- Submission to or rejection of the conduct by an individual is used as the basis for employment or
- Academic decisions affecting that individual; and/or
- The conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic
- Performance or creating an intimidating, hostile, or offensive working or learning environment.
- Sexual harassment is distinguished from voluntary sexual relationships in that it introduces such elements as coercion, threat, unwanted sexual attention, and/or promises of academic or professional rewards in exchange for sexual compliance.

Sexual harassment is reprehensible. It violates the personal rights, growth, and integrity of the victim. Sexual harassment 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 University. 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 University 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.

**Harassment of Student by Student Policy**

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 Violence Prevention Statement**

On March 7, 2013, President Barack Obama signed the Violence Against Women Act (VAWA) into law. The statutory changes made by VAWA require Reinhardt University to compile statistics for certain acts that are reported to campus security authorities or local police agencies including incidents of sexual assault, dating violence, domestic violence, and stalking. Additionally, Reinhardt University is required to include certain policies, procedures, and programs pertaining to these acts.

Reinhardt University supports the rights of all students to live and study in an environment free from sexual assault. Sexual contact with another person without consent or with the use of threat or force violates the standards of civility, decency, and respect expected of all members of the campus community. The University prohibits interpersonal violence of any kind, including sexual violence, intimate partner violence, and stalking. Every member of the University community should be (a) aware that such behavior is prohibited by the University's student code of conduct as well as by state and federal law, and (b) familiar with the University protocol for responding to reported violations.

Reporting an assault does not in any way obligate a student to pursue legal or institution disciplinary action, however; the University has the right to pursue disciplinary action at its discretion. If the victim chooses to report and pursue criminal charges against an alleged assailant, the institution will be supportive and compliant during the criminal justice process.

Reinhardt University is furthermore committed to promote healthy gender relations through dialogue and education toward the elimination of sexual violence. These educational activities include the dissemination of information, interactive educational programming, referrals for survivors as well as for their friends and family, and structural intervention within Reinhardt University. Reinhardt University strictly prohibits acts of sexual assault, domestic violence, dating violence, stalking, and sexual violence hate acts.

**Intimate Partner Defined**

Reinhardt University defines an “intimate partner” as a person who is legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time; couples who live together or have lived together; or persons who are dating or who have dated in the past, including same sex couples.

**Consent Defined**

Reinhardt University defines “consent” as the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. An individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, is not able to give consent. Further, one cannot infer consent under circumstances in which consent was not clear, including but not limited to the absence of “no” or “stop,” or the existence of a prior or current relationship or sexual activity.
The Official Code of Georgia Annotated defines the legal age of consent for sexual contact as sixteen years of age.

**Rape Defined**
Reinhardt University defines “rape” as any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Sexual Assault Defined**
Reinhardt University defines “sexual assault” as a forcible or nonforcible offense that meets the definition of rape, fondling, incest, or statutory rape defined under the uniform crime reporting system of the Federal Bureau of Investigation.

- **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** - Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Dating Violence Defined**
Reinhardt University defines “dating violence” as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship would be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence would include, but would not be limited to, sexual or physical abuse or the threat of such abuse.

**Domestic Violence Defined**
Reinhardt University defines “domestic violence” as the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate or familial relationship, including individuals who are or have been married, living together, or dating. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

**Stalking Defined**
Reinhardt University defines “stalking” as the act of engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking may include, for example, non-consensual communication, including in-person communication or contact, surveillance, 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.

**Sexual Violence Hate Acts Defined**
Reinhardt University defines “sexual violence hate act” to mean a sexual violence act that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. Categories of bias that may serve as the basis for a determination that a sexual violence act is a hate crime would include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**“Amnesty” Policy**
A student who is under the influence of alcohol or drugs at the time of a sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned. The Vice President for Student Affairs and Dean of Students will not pursue disciplinary violations against a student (or against a witness) for his or her improper use of alcohol or drugs (e.g. underage drinking) if the student is making a good faith report of sexual misconduct. This Policy only provides amnesty from violations of the Reinhardt University Code of Conduct. It does not necessarily grant amnesty for criminal, civil, or legal consequences for violations of Federal, State, or Local law.

**Legal Aspects**
You are not required to report a sexual assault. If you do talk to the police and/or Reinhardt University Department of Public Safety, they may be able to take steps to protect others from experiencing sexual assault. In addition, the police can inform you of your legal rights and options should you decide to prosecute. The University is strongly committed to providing medical and emotional support to victims/survivors of sexual assault regardless of whether they decide to take legal action. You may wish to notify Public Safety that a sexual assault has occurred. If you do choose to make a report, the Department of Public Safety and you will then determine whether the assistance and/or intervention of the police is necessary to protect other members of the community and/or to arrest the assailant. The Director of Public Safety or designee will inform the Vice President of Student Affairs that an assault has occurred. If it is necessary, they will arrange to alert the community at large that an assault has taken place. The Department of Public Safety and the Vice President of Student Affairs will make every effort to protect the privacy of the victim. If it is necessary to disclose confidential information (in cases involving legal requirements, requirements of the University policy on sexual assault, or if personal safety is at issue), the University will inform you that this is taking place. If you do decide to report the assault to the police, the University will make every effort to provide a support person if you would like help through the process. Making a police report concerning the assault does not mean that you must prosecute the assailant.
**Assistance and Support for Victims of Sexual Assault and Sexual Violence**

The University is dedicated to providing assistance and support to students who have experienced intimate partner and/or sexual violence through our Counseling Services as well as other resources. In addition to cooperating with law enforcement officials in the prosecution of perpetrators, the University will take appropriate action to respond to and invoke sanctions for behavior through the Student Affairs office for any student found to violate this policy. Any staff or faculty member found in violation will be addressed from an employment perspective. Support is available for all aspects of the reporting process.

**Reporting Procedures**

A Reinhardt University student who believes she/he has been sexually assaulted or that an act of sexual assault has taken place may notify any Campus Security Authority, such as the Vice President for Student Affairs, a Resident Adviser, an associate or assistant dean, the Director of Public Safety, Public Safety Officer, or Director Residential Life or an Athletic Coach. Any one of these people will notify the Vice President for Student Affairs as soon as possible that an accusation of sexual assault has been made.

The first concern of any official to whom an assault is reported will be the well-being of the student reporting the assault. In particular, the official will inform the student of both on- and off-campus resources available to her/him and help the student make contact with the resources she/he chooses. If the student requests the assistance of local law enforcement, the University official will notify the Reinhardt University Department of Public Safety (770-720-5789 or 5911). The Department of Public Safety will notify Cherokee County Sheriff’s Office.

The second concern of University officials must be the safety of the Reinhardt University community. If there is reason to believe that an assailant is at large who poses an immediate threat to other members of the community, the Vice President for Student Affairs and the Director of Public Safety will take action to protect the campus. The identity of the victim will not be revealed during this process.

After seeing to the well-being of the student reporting the assault and to the immediate security of the campus, the Vice President for Student Affairs and the Director of Public Safety will assist local law enforcement in the investigation of the charge, if requested by the student. Such investigation may involve the examination of physical evidence, the interviewing of persons with relevant information, or other steps which particular circumstances make necessary. In conducting this investigation the confidentiality and privacy of the student bringing the charge will be respected.

The confidentiality and privacy of any persons under suspicion will also be respected. Charges of sexual assault brought by a Reinhardt University student against a member of the Reinhardt student community, or a guest in the community, will be heard by the Vice President for Student Affairs and the Director of Public Safety. Charges of sexual assault brought by a Reinhardt student against a member of the faculty or staff will be handled through the University’s procedures concerning sexual harassment and other forms of harassment and discrimination.
An individual accused of sexual assault may be subject to prosecution under Georgia criminal statutes. A victim is free to bring charges through the University system and the criminal system simultaneously; however, the two processes are separate. It is not necessary for a student to pursue the matter in a criminal court in order to initiate a University proceeding. Also, the University is not obligated to wait until prosecution procedures are initiated or until a judgment is reached in court in order to proceed with its own decision-making process or to impose penalties.

The University shall proceed with disciplinary and/or remedial actions as needed when it appears that the university prohibition against any form of sexual assault has been violated. A student charged with sexual assault may be disciplined under the applicable University Student Code of Conduct as well as prosecuted under Georgia's criminal statutes. Whether or not a criminal prosecution occurs, the University retains the right to proceed with disciplinary action at any time; and the University need not await the disposition of any criminal prosecution. University disciplinary action shall be handled in accordance with the Student Code of Conduct of the University. Under these proceedings, the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault (the term "outcome" meaning only the University’s "final determination with respect to the alleged sex offense and any sanction that it imposes against the accused"). The accuser and the accused will be given the opportunity to have others (the role of these individuals is non-verbal support) present during a disciplinary proceeding. Sanctions that the University may impose following a final determination of a Student Code of Conduct violation include the following: written warnings; University and/or residence hall probation; loss of visitation privileges; restitution; discretionary sanctions, (i.e., work assignments or service to the University or community); suspension or expulsion from the University.

**Plan of Action for Responders to Sexual Assault**

Following a Sexual Assault:
- Make sure the victim is safe from further harm.
- Call Campus Public Safety, the Resident Assistant, Rape Crisis Center, or the campus counselor. (You can find the contact information for the aforementioned listed under Resources.)
- Direct the victim on preservation of any evidence that may be necessary to prove that the sexual assault occurred.

**Additional Information for Responders**

Most victims blame themselves. Do not let misplaced feelings of guilt stop a victim from getting help. Keep in mind that alcohol and other pharmaceuticals are a factor in many sexual assaults involving university students. As a result, sometimes victims are reluctant to seek medical attention. Do not let alcohol or other pharmaceutical (legal or illegal) consumption deter victims from getting medical attention. Their health and safety are top priority.

**Plan of Action for Victims of Sexual Assault**

Following a Sexual Assault:
- Get to a safe place.
- Call the campus Department of Public Safety (770-720-5789 or 5911).
• Call a friend or family member to offer support.
• Remember that what has happened is NOT your fault.
• Get medical care or attention (this can be done without police intervention).*
• Write down as much as you can remember about the circumstance of the assault and the identity of the assailant.
• Seek the counseling assistance from your campus counselor or a local rape treatment center. The counselor can help you cope with the consequences of an assault.

In preparation for medical services, here is some advice for the victim:
• Do not bathe or douche—no matter how much you may want to. Try not to urinate if possible.
• If oral contact took place, do not smoke, eat, drink, or brush your teeth.
• Do not brush your hair.
• If you have already changed clothes, place the garments worn during the assault in a paper bag. (Plastic bags can destroy evidence.) If you haven't changed, keep the original clothes on, and bring an extra set to wear home. The police may need to keep your clothing as evidence.

Note: Your body and clothing can hold clues called “transfer evidence”; it’s what’s left behind by the assailant and the environment. Dirt, hair, body fluids, and traces of skin under your fingernails can be collected and used as evidence. If you have already compromised potential evidence by showering, bathing, changing, or laundering the clothing worn during an assault do not let this dissuade you from reporting the assault, as such actions may not prevent further action from moving forward.

Additional Information for the Victim
Medical attention is vital, as you may have injuries of which you are unaware, possible exposure to a sexually transmitted disease, or pregnancy. You have the right to a rape kit examination, even if you choose not to report to the police. The rape kit examination is free of charge and should be billed to the Crime Victim’s Compensation program. The medical provider can test you, provide the needed medications, and provide emergency contraception if desired.

You will be afforded assistance in seeking counseling, follow-up medical care, making changes to your academic situation, living situation and reporting to the appropriate criminal authorities after an assault has occurred. Campus personnel will take reasonable and necessary steps to prevent any unnecessary or unwanted contact or proximity with the alleged assailant(s). You also have the option to file a Temporary Protective Order (TPO.) A TPO is a court order to help protect you from someone who is abusing, threatening or harassing you.

What to do in the Event of Sexual Assault
While the University attempts through its programs and policies to prevent sexual assault from occurring, it recognizes that significant numbers of women throughout the nation are sexually assaulted while they are college students. The University is committed to helping any of its students who have experienced sexual assault. Counselors, health center nurse, residential life staff, public safety officers, and deans will support a student as she/he goes through the recovery process. The University is also committed to investigating all reported cases of sexual assault;
assisting a student in lodging charges with local police, if she/he so desires; holding disciplinary
hearings to adjudicate formal accusations; and disciplining any student or guest found to have
violated the policy concerning sexual assault.

The University also recognizes that most campus sexual assaults involve people who are
acquainted with one another. Coercive or violent acts between people who, because of their
membership in the University community, must continue to interact with each other are
particularly traumatic to the victim and violate the trust that is essential to the University’s
mission and sense of community. Therefore, should a sexual assault be reported, the University
shall take reasonable action to protect the accusing student from any unnecessary or unwanted
contact with the accused.

Options for Students who have been Sexually Assaulted
Any student who is sexually assaulted is strongly encouraged to seek help either from resources
available through the University or from outside sources. The following is a short list of options
available to students seeking help at Reinhardt University. More detailed information about each
option is provided below.

- You may contact the Reinhardt University Health Center (x5542) to receive medical care,
to speak to a nurse, and/or to discuss other options confidentially.
- You may go to a local hospital to receive a medical examination, which is admissible in
court as evidence of an assault.
- You may call Reinhardt University Department of Public Safety (x5789, 5911 in
emergencies) to report that a sexual assault has taken place.
- You may call 911, to report a sexual assault or to request emergency medical assistance.

Medical Care
You are strongly encouraged to receive some type of medical care after an assault.
Because sexual assault can be physically and emotionally traumatic, you may not know whether
or not you have been injured. The Nurse at the Health Center or the hospital can answer
questions you may have about health concerns. A follow-up exam is recommended to retest for
pregnancy and sexually transmitted diseases (STDs), and to be sure that no other injuries were
sustained during the assault.

The Health Center is able to counsel you on your options for medical care after an assault. An
examination done at the Health Center is NOT admissible in court as evidence that an assault has
taken place. If you think you may wish to press charges at any time, the Health Center personnel
will recommend that you go to a local hospital, where medical evidence (Rape Kit) can be
preserved for the police.

The Health Center will keep all information confidential; the assault will not be reported to the
police, Reinhardt University Public Safety, parents or other University personnel without your
permission. If it is determined that you or another member of the University community is in
danger, necessary information will be released to the appropriate administrators without
revealing your identity. The Health Center can assist you in finding any medical or emotional
support that you need, including counseling on- or off-campus.
A local hospital is able to provide medical services that fulfill legal standards of evidence — a “rape-kit” examination. The rape-kit examination preserves medical evidence that can be used in court. Having a rape kit done does not require you to press charges. It merely gathers evidence should you wish to prosecute at some time. It is recommended that you do not shower, bathe, douche or change clothes if you want to preserve evidence. You may want to bring a change of clothes to the hospital in case you are needed by the police.

A local hospital will test for pregnancy and STDs, offer medication to prevent STDs, and prescribe emergency contraception. The hospital is required to notify the police that a sexual assault may have occurred.

**Resources**

If you are a victim of a crime, it is important to know your options. You are encouraged to utilize the following resources as they relate to your circumstance.

**On-Campus Contacts**

- Department of Public Safety: 770-720-5798
- Counseling Center: 770-720-5549
- Health Center: 770-720-5542
- Office of Student Affairs: 770-720-5538
- Office of Residence Life: 770-720-5539

**Local/Regional/National Contacts**

- Cherokee County Sheriff’s Office Emergency–911/ Non-Emergency: 678-493-4080
- Northside Hospital – Cherokee (Canton): 770-720-5100
- Piedmont Mountainside Hospital (Jasper): 706-692-2441
- Local Sexual Assault Services Program (YMCA of NW GA): 770-427-3390
- Local Victim Witness Program (housed in Prosecutor’s Office): 770-479-1488
- Georgia Network to End Sexual Assault: www.gnesa.org
- Georgia Office of Victim Assistance: http://dps.georgia.gov/victim-assistance
- Criminal Justice Coordinating Council - Victim Services: http://cjcc.ga.gov
- Rape, Abuse, & Incest National Network (RAINN): http://www.rainn.org/
- HODAC, Georgia Victim’s Assistance: http://www.hodac.org/

**Sexual Assault/Harassment Survivor Advocacy Policy**

Reinhardt University 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 University Counselor for assistance. The campus advocate works closely with the Cobb County YWCA of Northwest Georgia. To contact the campus advocate please call 770-720-5549. The hotline contact for the
Bystander Intervention Policy
A bystander, or witness, is someone who sees a situation but may or may not know what to do, may think others will act or may be afraid to do something. Bystander education programs teach potential witnesses safe and positive ways that they can act to prevent or intervene when there is a risk for sexual violence. Furthermore a bystander is any person who is present at an event or incident but does NOT take part.

Five Steps Toward Taking Action
1. Notice the event along a continuum of actions.
2. Consider whether the situation demands your action.
3. Decide if you have a responsibility to act.
4. Choose what form of assistance to use.
5. Understand how to implement the choice safely.

Rules for Bystander Intervention
- Do NOT put yourself at risk.
- Do NOT make the situation worse.
- Intervene at the earliest point possible.
- Look for early warning signs of trouble!
- Intervening does not necessarily mean confronting.
- Ask for help!

Three “D” of Bystander Intervention
- Direct: Directly intervening, in the moment, to prevent a problem situation from happening
- Delegate: Seeking help from another individual, often someone who is authorized to represent others, such as a police officer or campus official.
- Distract: Interrupting the situation without directly confronting the offender.

Good Samaritan Policy
Reinhardt University holds a fundamental commitment to the safety of its community. It is vital for students to call Emergency Medical Services by dialing 911 when a student needs medical help. The “Good Samaritan Policy” offers a clear message to students that they should report any potentially dangerous cases of intoxication, drug overdose or medical emergencies; they should not be concerned about disciplinary consequences at such a time.

The Good Samaritan Policy is as follows:

Students or student organizations that seek emergency attention for dangerously intoxicated/overdosed or ill individuals will not be subject to punitive university disciplinary sanctions. This policy applies both to the person requiring help and the person or organization reporting their concern. When students encounter another person who may be dangerously intoxicated, overdosed or ill, they have a responsibility to call EMS by dialing 8-911 from a
College phone or 911 from a cell phone. After calling EMS, the student or organization should immediately notify a person in a position of authority at Reinhardt University such as a Residence Life Assistance (RA), Residence Life Coordinator (RLC), Vice President for Student Affairs and Dean of Students, or a University Public Safety Officer to report the emergency.

This policy reflects Reinhardt University’s priority on “safety first.” The policy does not rule out educational sanctions for those involved with the incident however, an educational sanction is NOT a punitive sanction like being removed from the residence halls or expelled from Reinhardt University. In addition, the student’s permanent educational record will reflect no formal college disciplinary action.

In situations where a student’s life may be in jeopardy, the Vice President for Student Affairs and Dean of Students may contact the student’s parents as a health precaution and may require a professional alcohol/drug evaluation to return to the residential community.

This policy refers to isolated incidents only and does not protect those students from punitive judicial sanctions who choose to flagrantly and repeatedly violate the Reinhardt University’s alcohol/drug policies.

If you fail to immediately report such incidents that seriously endanger the life of another person(s) and if that student is incapacitated or dies as a result of you taking no action you may face Reinhardt University sanctions along with criminal and civil legal action.

Reinhardt University cannot stress enough the value we place on human life and the importance of you getting help for persons who are in need of medical attention. Please don’t run away from or turn your back on a sick or injured person. Do the right thing and call for help.

Harassment Policy
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 University 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 Vice President for Student Affairs and Dean of Students for immediate disposition.

Faculty/Staff and Student Relationship Policy
The University 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 University.

**Student Discipline Code of Conduct**

**Introduction**
As a private educational institution affiliated with the United Methodist Church, Reinhardt University is interested in and concerned with the total development of the individual, including the development of social responsibility and good citizenship.

Reinhardt University established standards of conduct for students to ensure the safety of the campus community and to facilitate the pursuit of the institution's educational mission. Therefore, the disciplinary function of the University is an integral part of the educational mission of Reinhardt.

The Code of Conduct delineates behavioral expectations and the means for holding students accountable when allegations of misconduct arise. The Code of Conduct also affords students certain rights designed to ensure due process and the basic rights granted through contractual obligations.

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. The discipline system allows students to demonstrate their capacity for accountability, responsibility, and respect for others.

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 University 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 University-sanctioned event on or off institutionally controlled property.
The University 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 University 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 University community (See Interim Suspension). In such cases, the University may initiate action whether or not legal action has been taken.

The University 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.

**Associated Policies**

**Rights and Responsibilities of the Victim**

Students who are victimized by violations of the University'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 University. If a victim withdraws his or her complaint or refuses to cooperate during the course of the disciplinary procedures, the University 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 hearing at least five (5) working days prior to the hearing;
2. The victim shall be given the opportunity to meet with the Vice President for Student Affairs and 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 University is expected to conduct him or herself in a manner keeping with the University’s Statement of Purpose, the Reinhardt University Code of Honor, and Code of Conduct. Every student will be given a fair hearing, and each case brought before the designated hearing 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 hearing 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.

**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 University 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 University 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 hearing 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.” Standards of proof found in the legal system do not apply. In cases that involve allegations of discrimination and sexual violence a “Preponderance of Evidence Standard” in order for the school to be consistent with Title IX standards. (i.e., it is more likely than not that sexual harassment or violence occurred).

A “Good Faith Investigation and Reasonable Conclusion” is an investigation and conclusion that is weighed against opposing evidence. A determination in this standard is reached when it is highly probable, substantially more likely than not, that the alleged incident occurred.

A “Preponderance of Evidence Standard” is based on more convincing evidence and its probable truth or accuracy, and not on the amount of evidence. A determination in this standard is reached when it is more likely than not that the alleged incident occurred.

**Prior Disciplinary Records**
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.
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 University prior to adjudication of the case, the case will still be resolved through the process outlined in this policy.

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 University and all sanction 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 charged with additional violations, prohibited from registering for classes, receiving grades, transcripts, diplomas or any other official documentation from the University.

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 University officials are notified, however, when appropriate under the Federal Educational Rights and Privacy Act (FERPA) guidelines. Disciplinary records may be released to other institutions or should "right to know" standards apply as required by law.

Probation (ie Probated Suspension/Probated Expulsion)
Probation (i.e. Probated Suspension/Probated Expulsion) involves a definite or indefinite period of time in which a student is permitted to remain enrolled at the University on a probationary status and allowed to continue on a restricted basis with his/her academic studies and co-curricular and extracurricular activities, and is required to show a positive change in behavior.

During the period of the probation, the student may be required to satisfy specified stated conditions or requirements such as exclusion from University housing, exclusion from participation in University athletics or other student extracurricular or social activity, and that the student may not be a candidate for or hold elective or appointive office in any University organization.

Probation constitutes a warning that if a student is found responsible for any additional violations of the Code of Conduct during the period of probation, at the discretion of the hearing officer, the student will face severe disciplinary sanctions, and will most likely result in the student’s immediate separation from the University (suspension or expulsion).
For students on disciplinary probation for a semester-specific amount of time, the probation remains in effect until the beginning of the first semester subsequent to the probation semester(s).

**Letter of Warning**
A letter of warning to a student indicates that his or her conduct is in violation of the Code of Conduct but is not sufficiently serious to warrant further disciplinary sanctions and that no sanctions will be applied for this specific issue. The Letter of Warning serves as an admonition to the student as well as summarizing the violation and corrective measure and advises the student about possible future consequences should that behavior continue. The Letter of Warning is placed in the student’s Judicial File and will be made available to any hearing body or officer should further violations of the Code of Conduct occur.

**Interim Suspension**
The Vice President for Student Affairs and 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 Vice President for Student Affairs and Dean of Students or a designee that the continued presence of the accused student on the University campus poses an immediate or substantial threat to the well-being of the accused or any other member of the University community. This threat may be to the integrity of institutional property or the personal property of members of the University community, or when the accused student might pose a substantial disruption to the continuance of normal University functions.

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

A preliminary hearing will be held by the Vice President for Student Affairs and Dean of Students or designee within five (5) business 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) business days, when possible, after the preliminary hearing of the interim suspension.

**No Contact Directive**
When a No Contact Directive has been put in place, the student is to have no contact with, nor be in the presence of, the other involved party. This includes all forms and means of contact or communication, either by yourself or through others, including personal contact or communications by phone, e-mail, text, Facebook, or through friends or others acting on your behalf. This also includes making electronic outreaches to or statements about them through blogs or other social media, 'tagging' them in comments, or otherwise through online message boards or internet sites. Furthermore, if the student find himself/herself in the same location as this individual, he/she is required to immediately remove yourself from that location; and he/she is also reminded that University policy prohibits taking any retaliatory action for reporting or inquiring about alleged improper or wrongful activity, assisting another in making a report, or
participating in an investigation into such matters. Thus, he/she is instructed to refrain from engaging in any actions or attempts to harass, intimidate, retaliate against, or improperly influence any individual associated with this matter, including those who may have reported any incident or may participate in any investigation, hearing or resolution. This includes both direct and indirect actions taken by the student themselves or by any person acting on their behalf. This No Contact Directive applies both on and off campus. Any infraction of this restriction may result in disciplinary action.

**Anti-Retaliation**
Retaliating directly or indirectly against a person who has in good faith made a report under the policies of Reinhardt University or participated in an investigation of a complaint of any act as defined in the student handbook is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint or to provide false or misleading information, or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment, threatening, intimidating, or coercing the person, or otherwise discriminating against any person for exercising their rights or responsibilities under this policy. Depending on the circumstances, retaliation may also be unlawful. Retaliation under this policy may be found whether or not the complaint is ultimately found to have merit. Complaints of retaliation should be reported to the Vice President for Student Affairs and Dean of Student and/or the President of Reinhardt University.

**Associated Individuals and Groups**

**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. Hearing 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 hearing officer responsible for adjudicating disciplinary cases. The role and responsibility of the hearing 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 University's Disciplinary Code of Conduct, the hearing 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.

**Advisor of Choice**
The accused may bring an advisor to the hearing for personal support. The accused must notify the University's designated hearing 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 University community (faculty, student or staff member) and 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.

**Advisor of Choice for Accuser/Accused of Sexual Assault and Sexual Violence**
Reinhardt University grants the accuser and the accused be entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. The term “advisor” means an individual who provides the accused or accuser support, guidance, or advice. Reinhardt University may limit the extent to which an advisor may participate in the proceedings, such as restricting cross-examination of witnesses or prohibiting advisors from addressing the decision-maker, as long as these limits apply equally to both parties.

**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, when possible.
- 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 hearing 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 hearing 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 hearing officer has the duty to investigate, and consult with relevant parties regarding the incident in question. The hearing officer will first review the report and relevant evidence. Following the initial review of the report/evidence and meeting with the involved parties, the hearing 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 hearing 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, when possible 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 hearing 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 hearing officer will adjudicate the case and describe the terms of sanctions.

When a violation has occurred in the judgment of the hearing officer, but the accused claims innocence, a hearing is required. The accused may choose one of the following avenues to have their case adjudicated:

- Admit to the alleged violation(s) and request that the matter be resolved through the Administrative Hearing option. By choosing this option, you understand that you are admitting to being responsible as charged and wish to have your hearing adjudicated by a campus hearing officer.
- Deny the alleged violation(s) and request that the matter be resolved through the Administrative Hearing Option. By choosing this option, you understand that you are not admitting responsibility for the infraction and wish to have your hearing adjudicated by a campus hearing officer.
- Admit the alleged violation(s) and request that the matter be resolved through the Judicial Council option.
- Deny the alleged violation(s) and request that the matter be resolved through the Judicial Council option.

Please note: The hearing 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, when possible, 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 the rational as to 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.
Notification of Disciplinary Proceeding Results of Sexual Assault and Sexual Violence

Reinhardt University will notify both the alleged accuser and the accused be simultaneously informed, in writing, of the outcome of any disciplinary proceeding; the institution’s procedures for both parties to appeal the results of the proceeding; of any change to the results that occurs prior to the results becoming final, and when such results become final.

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 appointed administrative hearing officers shall serve as the appeals body. In cases of sexual assault and sexual violence both the alleged accuser and the accused have the right to appeal.

Should the accused choose the administrative hearing 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 hearing 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 University 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 hearing 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 hearing 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 University may restrict the student’s future registration privileges with the University. Such a restriction may results in the cancellation of all pre-registered courses. The restriction 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/or 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 Vice President for Student Affairs and Dean of Students deems appropriate.

Level I Violations include but are not limited to:
- A. Disorderly conduct, excessive noise, irrational or disruptive behavior, indecent or obscene conduct or language on University property or at a University-sponsored and supervised event, disrespect of any University 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
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/or 20-30 Hours of Community Service**
The term restrictions shall be defined at the discretion of the Vice President for Student Affairs and 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.

Level II Violations include but are not limited to:
A. Property damage or theft less than $500.00 (reimbursement for damages will always be required in addition to the stated fine and/or sanction);
B. Refusal or failure to respond to a request to report to or cooperate with a University official (including Public Safety Officers, Residence Life Coordinators, and Resident Assistants), deceiving a University official; or failure to comply with previously assigned sanctions.
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 University facility;
F. Tampering with a witness before or intimidating a witness after a judicial hearing, failure to cooperate with the hearing officer or Judicial Council;
G. Misuse of University electronic and computer resources including improper internet usage (minor infraction);
H. Pranks in any form;
I. Second offense of alcohol possession or use.
J. Second offense of smoking/tobacco use in non-designated areas;

**LEVEL III: Probated Suspension/Suspension and/or $100.00 fine and/or 30-50 Hours of Community Service**
Violations at Level III may result in probated suspension/suspension from the University, 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 University for a specified period of time. During a University suspension, a student is excluded from classes and all other University privileges or activities. Often the student is prohibited from the campus as well.

Level III Violations include but are not limited to:
A. Property damages or theft of more than $500.00 (reimbursement for damages will always be required in addition to the stated fine);
B. Tampering with fire equipment, setting off a false fire alarm;
C. Third offense of alcohol possession or use;
D. Third offense of smoking/tobacco use in non-designated areas;
E. Bullying, hazing, harassing, threatening or other conduct jeopardizing the health, safety, or civil rights of any member of the Reinhardt University 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. Arrests for violations of local, state, or federal laws.

**LEVEL IV: Probated Expulsion/Expulsion**
A level IV violation may result in expulsion from the University, which means permanent dismissal from the University. However, a Level IV violation may result in whatever sanction the Vice President for Student Affairs and Dean of Students deems appropriate.

Level IV Violations include, but are not limited to, the following:
A. Vandalism in excess of $500.00 (reimbursement for damages will always be required in addition to the stated fine);
B. Reckless endangerment of life, including violent, abusive, disruptive, or destructive behavior;
C. Forgery, falsification, or other misuse of University documents, records, or identification cards;
D. Physical or mental abuse (including bullying) of any member or guest of the University community on institutional premises or at University-related activities;
E. Sexual violence, sexual assault, rape, attempted sexual assault, or attempted rape;
F. Use, storing or possession of weapons or firearms of any kind (with or without permit) anywhere on campus, including residence hall or vehicle;
G. Use or possession of illegal drugs (violation of state or federal laws).

**Other Guiding Policies**

**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 University 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).

**Sexual Ethics Policy**

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 University, 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 Vice President for Student Affairs and Dean of Students (or designee) assigning the appropriate sanctions as outlined in the Code of Conduct.
BE AN ACTIVE BYSTANDER
If you think someone is at risk for sexual assault, consider it an emergency and get involved. Don’t wait for someone else to act.

TIPS FOR INTERVENING
➡ Approach everyone as a friend.
➡ Be honest and direct.
➡ Don’t be aggressive or use violence.
➡ Keep yourself safe.
➡ Get help from other bystanders, if necessary.
➡ Call the police if a situation becomes too serious.

OTHER WAYS TO COMBAT SEXUAL ASSAULT
Talk to friends who have expressed violent feelings or behaviors. Assist them in getting help from a counselor or other professional. Speak up against false comments or jokes about sexual assault, and educate people about it.

STEP UP. YOU’RE NOT ALONE.
Reinhardt University Division of Student Affairs