

Barton College

Student

Student Conduct Procedures Handbook

2007-2008

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Barton College Student Conduct Code

Preamble

Barton College is committed to standards of honorable conduct based on the highest ideals and values of personal honor, integrity and responsibility and commitment to community. This is the context in which the college community establishes its standards of conduct and processes for responding to compromise of those standards.

It is assumed that, in accepting membership in the College community, students have made a concurrent commitment to its social and academic standards and that each will abide by those standards, accept full responsibility for his/her actions and give full support to ensuring the integrity of those standards.

Specifically, students are expected to accept full responsibility for their actions, to conduct themselves with honor and integrity in all endeavors, to never knowingly or willfully lie, cheat, or steal or to be involved in or condone any activity to the contrary, and to support in word and deed the concepts and principles of the College's Student Code of Conduct and Honor Code.

Students entering Barton College are required to express their commitment to these standards through the following affirmation.

I PROMISE THAT, WHILE I AM A STUDENT AT THE COLLEGE, I WILL TO THE BEST OF MY ABILITY NEVER KNOWINGLY OR WILLINGLY VIOLATE ANY OF ITS RULES, REGULATIONS, OR STANDARDS OF CONDUCT; TO NEVER LIE, CHEAT, OR STEAL; TO DISCOURAGE THOSE WHO WOULD DO OTHERWISE; AND, TO SUPPORT IN WORD AND DEED, THE CONCEPT AND PRINCIPLES OF THE HONOR SYSTEM.

The mission of the college is rooted in our commitment to developing ethical and socially responsible behavior in all human relationships. Responsible living in a community of learners requires adherence to demanding standards.

- MEMBERS OF THE BARTON COMMUNITY WILL
 - Express opinions with civility.
 - Show consideration for the opinions of others.
 - Respect the sanctity and dignity of ideas.
 - Promote the honor code in all their actions for the benefit of the community of learners at Barton.
- MEMBERS OF THE BARTON COMMUNITY WILL NOT
 - Lie.
 - Cheat.
 - Plagiarize.
 - Steal.
 - Violate others' property.
 - Tolerate other's disregard for the honor code.

PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to counseling, guidance, and admonition. At the same time, the College has the duty and the corollary disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct for the students who are enrolled and through the regulation of the use of institutional facilities. In exceptional circumstances, when the preferred means fail to resolve the problems of student conduct, proper procedural safeguards shall be observed to protect the student from unfair imposition of serious penalties.

The administration of discipline shall guarantee procedural fairness to an accused student. The jurisdiction of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, shall be clearly formulated and communicated in advance. Penalties may be assessed informally under prescribed procedures.

In all situations, procedural fairness requires that the student be informed of the nature of the charges against him/her, that he/she be given a fair opportunity to refute them, and that there be provisions for appeal of a decision.

A. Standards of Conduct Expected of Students

The College has an obligation to clarify those standards of behavior that it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations shall represent a reasonable regulation of student conduct, but the student should be as free as possible from imposed limitations that have no direct relevance to his/her education.

Offenses will be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings shall be instituted only for violations of standards of conduct published in advance through such means as a student handbook or a generally available book of institutional regulations.

B. Investigation of Student Conduct

1. Except under extreme emergency circumstances, the personal possessions of students will not be searched unless the student has given permission or authorization has been obtained from the Vice President for Student Affairs or the Vice President for Academic Affairs.

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The authorization should specify the student's name, the reasons for the search and the objects or information sought. The student should be present, if possible, during the search.

The College, however, reserves the right for authorized persons to inspect all residence hall rooms, and to enter these rooms in order to check on room maintenance, property damage, or to conduct other college business. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

2. Students detected in serious violation of institutional regulations or arrested for infractions of ordinary law shall be informed of their rights. No form of harassment will be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

3. All members of the College community are expected to report to the Vice President for Student Affairs, any knowledge they may have relative to any current student who has been charged, indicted, or convicted of any local, state, or federal laws.

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ARTICLE I: DEFINITIONS

1. The term College means Barton College.
2. The term “student” includes all persons taking courses at Barton College, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but who have a continuing relationship with Barton College or who have been notified of their acceptance for admission are considered “students” as are persons who are living in residence halls, although not enrolled in this institution. This Student Code does apply to all locations of Barton College.
3. The term “faculty member” means any person engaged by Barton College to conduct classroom or teaching activities or who is otherwise considered by Barton College to be a member of its faculty.
4. The term “Barton College official” includes any person employed by Barton College, performing assigned administrative or professional responsibilities.
5. The term “member of Barton College community” includes any person who is a student, faculty member, Barton College official or any other person employed by Barton College. A person’s status in a particular situation shall be determined by Barton College.
6. The term “Barton College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Barton College (including adjacent streets and sidewalks).
7. The term “organization” means any number of persons who have complied with the formal requirements for organizational standing with Barton College.
8. The term “Student Conduct Board” means any person authorized by Barton College to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed.
9. The term “Student Conduct Administrator” means a Barton College official authorized on a case-by-case basis by the Vice President for Student Affairs to impose sanctions upon any student(s) found to have violated the Student Code. The Vice President for Student Affairs may authorize a Student Conduct Administrator as the sole member or one of the members of the Student Conduct Board. Vice President for Student Affairs may authorize the same Student Conduct Administrator to impose sanctions in all cases.
10. The term “Appellate Board” means any person or persons authorized by Barton College to consider an appeal from a Student Conduct Board’s determination as to whether a student has violated the Student Code or from the sanctions imposed by the Student Conduct Administrator.
11. The term “shall” is used in the imperative sense.
12. The term “may” is used in the permissive sense.
13. The Vice President for Student Affairs is the person designated by the Barton College President to be responsible for the administration of the Student Code.

14. The term “policy” means the written regulations of Barton College as found in, but not limited to, the Student Code, Residence Life Contract, the Barton College web page/intranet and computer use policy, and Graduate/Undergraduate Catalogs, contracts and course syllabi.
15. The term “cheating” includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of Barton College faculty or staff (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
16. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
17. The term “Complainant” means any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another students’ misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the College community submitted the charge.
18. The term “Accused Student” means any student accused of violating this Student Code.

Article II: Student Code Authority

1. The Vice President for Student Affairs shall determine the composition of the Student Conduct Boards and Appellate Boards and determine which Student Conduct Board, Student Conduct Administrator and Appellate Board shall be authorized to hear each matter.
2. The Vice President for Student Affairs shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Board Hearings that are not inconsistent with provisions of the Student Code.
3. Decisions made by a Student Conduct Board and/or Student Conduct Administrator shall be final, pending the normal appeal process.

Article III: Proscribed Conduct

A. Jurisdiction of the College Student Code

The College Student Code shall apply to conduct that occurs on College premises and at College sponsored activities, as well as to off-campus conduct that adversely affects the College Community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student’s conduct even if the student withdraws from school while the disciplinary matter is pending. The Vice President for Student Affairs shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, at his/her sole discretion.

B. Conduct – Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. Acts of dishonesty, including but not limited to the following:
 - i. Cheating, plagiarism, or other forms of academic dishonesty.
 - ii. Furnishing false information to any College official, faculty member or office.
 - iii. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities, including its public service functions on or off campus, or of other authorized non-College activities when the conduct occurs on College premises.
3. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
4. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property, on or off campus.
5. Hazing; defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
6. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
7. Unauthorized possession, duplication or use of keys/access cards to any College premises or unauthorized entry to or use of College premises.
8. Violation of any College policy, rule, or regulation published in hard copy or available electronically on the College website/intranet.
9. Violation of any federal, state or local law.
10. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances, including prescription medications except as expressly permitted by law.
11. Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations), or public intoxication. Alcoholic beverages may not, in any circumstances, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
12. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such items, even if legally possessed, in a manner that harms, threatens or causes fear to others.

13. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the College and/or infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
14. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
15. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in by, the College or members of the academic community. Disorderly Conduct includes but is not limited to any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
16. Theft or other abuse of computer facilities and resources, including but not limited to:
 - i. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - ii. Unauthorized transfer of a file.
 - iii. Use of another individual's identification and/or password.
 - iv. Use of computing facilities and resources to interfere with the work of another student, faculty member or College official.
 - v. Use of computing facilities and resources to interfere with normal operation of the College computing system.
 - vi. Use of computing facilities and resources in violation of copyright laws.
 - vii. Any violation of the College Computer Use Policy.
17. Abuse of the Student Conduct System, including but not limited to:
 - i. Failure to obey the notice from a Student Conduct Board or College official to appear for a meeting or hearing as part of the Student Conduct System.
 - ii. Falsification, distortion, or misrepresentation of information before a Student Conduct Board.
 - iii. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
 - iv. Institution of a student conduct code proceeding in bad faith.
 - v. Attempting to discourage an individual's proper participating in, or use of the student conduct system.
 - vi. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.
 - vii. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct board prior to, during, and/or after a student conduct code proceeding.
 - viii. Failure to comply with the sanction(s) imposed under the Student Code.
 - ix. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
18. Students are required to engage in responsible social conduct that reflects credit upon the College community and to model good citizenship in any community.

C. Violation of Law and College Discipline

1. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President for Student Affairs. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against criminal law defendant.
2. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the College may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
3. Furthermore, students are subject to federal, state, and local laws as well as College rules and regulations. A student is not entitled to greater immunities or privileges before the law than those enjoyed by other citizens generally. Students are subject to such disciplinary action as the administration of the College may consider appropriate, including possible suspension and expulsion if they are charged, indicted, or convicted of federal, state or local laws, or for any violation of College regulations. This principle extends to conduct off campus which is likely to have an adverse effect on the College or on the educational process or which stamps the offender as an unfit associate for the other students and/or the College community. Any violation of a campus regulation that is also an infraction of a federal, state or local law may be reported to the appropriate authorities for whatever action is deemed appropriate. Students, when on campus or attending official College functions off campus, are required to obey all rules and regulations published in this and other College publications which are established for the welfare of all students.

Article IV: Student Conduct Code Procedures

A. Charges and Student Conduct Board Hearings

1. Any member of the College community may file charges against a student for violations of the Student Code. A charge shall be prepared in writing and directed to the Vice President for Student Affairs. Any charge should be submitted as soon as possible after the event takes place, preferably within forty-eight (48) hours.
2. The Vice President for Student Affairs may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Vice President for Student Affairs. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Vice President for Student Affairs may later serve in the same matter as the Student Conduct Board or a member thereof. If the student admits violating institutional rules, but sanctions are

not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

3. All charges shall be presented to the Accused Student in written form. A time shall be set for a Student Conduct Board Hearing, not less than five nor more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of Student Conduct Board Hearings may be extended at the discretion of the Vice President for Student Affairs.
4. Student Conduct Board Hearings shall be conducted by a Student Conduct Board according to the following guidelines:
 - a. Student Conduct Board Hearings normally shall be conducted in private.
 - b. The Complainant, Accused Student and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Board Hearing shall be at the discretion of the Student Conduct Board and/or its Student Conduct Administrator.
 - c. In Student Conduct Board Hearings involving more than one Accused Student, the Student Conduct Administrator, at his or her discretion, may permit the Student Conduct Board Hearings concerning each student to be conducted either separately or jointly.
 - d. The Complainant and the Accused Student have the right to be assisted by an advisor they choose, at their own expense. The advisor must be a member of the College community and may not be an attorney. The Complainant and/or the Accused Student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or participate directly in any Student Conduct Board Hearing before a Student Conduct Board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
 - e. The Complainant, the Accused Student and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The College will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the Complainant and/or Accused Student at least two weekdays prior to the Student Conduct Board Hearing. Witnesses will provide information to and answer questions from the Student Conduct Board. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the chairperson of the Student Conduct Board.
 - f. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson.
 - g. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.

5. There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board Hearings before a Student Conduct Board (not including deliberations). Deliberations shall not be recorded. The record shall be the property of Barton College. Anyone taking part in the conduct process is strictly prohibited from bringing any video or audio recording device.
6. If an Accused Student, with notice, does not appear before a Student Conduct Board Hearing, the information in support of the charges shall be presented and considered even if the Accused Student is not present.
7. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of Vice President for Student Affairs to be appropriate.

B. Sanctions

- a. The following sanctions may be imposed upon any student found to have violated the Student Code:
 1. Warning – A notice in writing to the student that the student is violating or has violated institutional regulations.
 2. Probation – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
 3. Loss of Privileges – Denial of specified privileges for a designated period of time.
 4. Fines – Previously established and published fines may be imposed.
 5. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 6. Discretionary Sanctions – Work assignments, essays, service to the College or other related discretionary assignments.
 7. Residence Hall Suspension – Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 8. Residence Hall Expulsion – Permanent separation of the student from the residence halls.
 9. College Suspension – Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 10. College Expulsion – Permanent separation of the student from the College.

11. Revocation of Admission and/or Degree – Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other serious violations committed by a student prior to graduation.
 12. Withholding Degree – The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including completion of all sanctions imposed, if any.
- b. More than one of the sanctions listed above may be imposed for any single violation.
 - c. Other than revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, College suspension, College expulsion, or revocation of withholding of a degree, upon application to the Vice President for Student Affairs. Cases involving the imposition of sanctions other than residence hall expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record 10 years after final disposition of the case.
 - d. In situations involving both an Accused Student(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Accused Student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.
 - e. The following sanctions may be imposed upon groups or organizations.
 1. Those sanctions listed above in article IV (B) (1) (a-e).
 2. Loss of selected rights and privileges for a specified period of time.
 3. Deactivation. Loss of all privileges, including College recognition, for a specified period of time.
 4. In each case in which a Student Conduct Board determines that a student and/or group or organization has violated the Student Code, the sanction(s) shall be determined and imposed by the Student Conduct Administrator. In cases in which persons other than, or in addition to, the Student Conduct Administrator have been authorized to serve as the Student Conduct Board, the recommendation of the Student Conduct Board shall be considered by the Student Conduct Administrator in determining and imposing sanctions. The Student Conduct Administrator is not limited to sanctions recommended by members of the Student Conduct Board. Following the Student conduct Board Hearing, the Student Conduct Board and the Student Conduct Administrator shall advise the Accused Student, group and/or organization (and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

C. Interim Suspension

In certain circumstances, the Vice President for Student Affairs, or a designee, may impose a College or residence hall suspension prior to the Student Conduct Board Hearing before a Student Conduct Board.

- a. Interim suspension may be imposed only: 1) to ensure the safety and well-being of members of the College community or preservation of College property; 2) to ensure the student's own physical or emotional safety and well-being; or 3) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College.
- b. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Affairs or the Student Conduct Administrator may determine to be appropriate.
- c. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Student Conduct Board Hearing, if required.

D. Appeals

- a. A decision reached by the Student Conduct Board or a sanction imposed by the Student Conduct Administrator may be appealed by the Accused Student(s) or Complainant(s) to an Appellate Board within five (5) school days of the decision. Such appeals shall be in writing and shall be delivered to the Vice President for Student Affairs or his or her designee.
- b. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Student Conduct Board Hearing and supporting documents for one or more of the following purposes:
 1. To determine whether the Student Conduct Board Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student code was violated, and giving the Accused Student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 2. To determine whether the decision reached regarding the Accused Student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code occurred.
 3. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
 4. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing.

- c. If an appeal is upheld by the Appellate Board, the matter shall be returned to the original Student Conduct Board and Student Conduct Administrator for re-opening of Student Conduct Board Hearing to allow reconsideration of the original determination and/or sanctions(s). If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

Article V: Interpretation and Revision

- A. Any question of interpretation or application of the Student Code shall be referred to the Vice President for Student Affairs or his or her designee for final determination.
- B. The Student Code shall be reviewed every 3 years under the direction of the Vice President for Student Affairs.

Policies for Barton College Student Code of Conduct Academic Infractions

Student Conduct Policy for Academic Infractions is based on Barton College's Honor Code and academic expectations of its students as set forth in the College's policies.

A. Student Conduct Procedures for Academic Infractions

1. **Filing a Complaint:** Any member of the College Faculty may bring a charge against a student(s). A student may report him/herself for committing an academic violation. Any student may also bring to the attention of the instructor suspected acts of academic infractions.
2. **Disposition of Academic Infraction Charge**
 1. If an instructor suspects that an academic infraction has occurred, the instructor will first notify the student and the dean of the school or the chair of the department.
 2. The dean or chair will contact the office of the Vice President for Academic Affairs to learn whether this alleged infraction is the first recorded infraction by the student. If this is the first infraction, the instructor, chair or dean, and student will meet. If the chair or dean and the instructor agree that no infraction occurred, the matter ends. If this is not a first infraction, the dean or chair will ask the VPAA to schedule a Conduct Board Hearing. (See items "h" and "i" below.)
 3. If the instructor and the dean or chair agree that an infraction has occurred, the instructor will assess an appropriate penalty. If the student and instructor agree on the penalty, the instructor will report the infraction and penalty to the dean or chair, who will see that the penalty is appropriately recorded by the Office of the Vice President for Academic Affairs. The Vice President for Academic Affairs will communicate in writing to the student concerning the serious consequences of any subsequent academic infractions. The letter will be placed in the student's file.
 4. If the student and instructor do not agree that an infraction has occurred or do not agree concerning the penalty, the instructor will report this to the dean or chair.
 5. If this is a first infraction, the student may choose either a VPAA Hearing or a Student Conduct Board Hearing to appeal the penalty.
 6. The VPAA Hearing will involve only the dean or chair, the student, the instructor, any appropriate witnesses, and (if requested by the student) a support person who is a member of the faculty or staff of the college.
 7. The VPAA Hearing ends with the decision rendered by the VPAA. At the conclusion of the hearing, the VPAA will make a decision on the case and write letters describing the decision to the student, the instructor, and the dean or chair. If the student is found guilty of an academic infraction, the letter will be placed in the student's file in the office of the VPAA.

8. If there is already an infraction on the student's record, the dean or chair will ask the office of the Vice President for Academic Affairs to schedule a Conduct Board Hearing.
9. The instructor will report in writing to the Vice President for Academic Affairs and to the dean or chair the formal charge of an academic infraction and the result of any previous conversation with the student. This information will be forwarded to the Conduct Board. The Conduct Board, under the leadership of Student Affairs, will be in charge of the Conduct Board Hearing. All materials concerning the alleged infraction will be forwarded by the VPAA to the office of the VPSA. The Conduct Board consists of faculty, staff, and students who have received training in judicial procedures.

B. Sanctions for Academic Infractions

Sanctions resulting from an academic infraction include but are not limited to:

1. A first violation will usually result in a 0 or F on a specific work or for the course.
2. For a second offense, a student will normally be suspended for the remainder of the semester and for the following semester.
 1. Students who are suspended as a consequence of academic dishonesty will not be able to transfer College credits toward a Barton degree from courses taken elsewhere while on suspension.
 2. A student may return to Barton after a period of suspension on the condition that he/she provides a written statement affirming commitment to Barton's Honor Code.
 3. The statement should be sent to the VPAA, who will include it in College Judicial Council files.
 4. The statement will be placed in the student's file.
 5. For a third offense a student will usually be expelled from the College.

WITHDRAWAL AND SUBSEQUENT READMISSION OF STUDENTS WITH EMOTIONAL/PSYCHOLOGICAL IMPAIRMENT

Purpose: The purpose of this document is to prescribe procedures and provide guidelines for the withdrawal and admission of students with emotional and psychological disturbances.

Emotional or psychological impairments are to be treated as handicaps for the purpose of compliance with Section 504 of the Rehabilitation Act of 1973. As such, the procedures outlined in this document are to be followed in the disposition of incidents arising as a result of the handicap.

The same admissions criteria and procedures will apply that apply to any other otherwise qualified applicant. In addition, the applicant must:

1. Obtain from a licensed counselor, psychologist, or psychiatrist, a letter or statement that addresses the following:
 - a. The student's present state of emotional and/or mental health.
 - b. The student's ability to function socially in a college environment, particularly living in a residence hall

with respect to adhering to rules and regulations governing conduct.

c. the need for a continuing regimen of counseling support and, if required, a recommended course and method of therapy.

2. Authorize the release of the above information to the College through its designated agent.
3. Authorize the College, through its designated agent, to provide the student's therapist with the details of the student's conduct which led to this request.
4. Should the psychological evaluation recommend a continuing program of counseling, then the student must agree to remain in such a program until such time as a statement as specified in 1, a-c above is rendered.
5. It will be the student's responsibility to inform his/her therapist of the content and requirements of the letter and to ensure that its provisions are met.
6. Any expense incurred in meeting these conditions must be borne by the student personally.
7. Whenever possible, cases involving student misconduct are to be handled as disciplinary problems and processed through the College Judicial System.
8. Incidents of student misconduct, attributable to a suspected underlying emotional or psychological impairment, are to be processed according to the procedures and guidelines contained within this document and Section 504 of the Rehabilitation Act of 1973.
9. In all such cases, care will be taken to ensure that the rights of the individual, the institution, and other members of the College community are protected. Psychological evaluations of students can be mandated only by the President or the appropriate Vice President of the College.

Psychiatric Withdrawal Procedures

1. In cases involving conduct infractions and where it is inappropriate to address the issue as a disciplinary problem, the College Student Conduct System and Procedures will apply with the following exceptions.
 - a. A psychological evaluation of the student will be required and considered as a part of the hearing and review process. The evaluation will be rendered by a licensed psychologist or psychiatrist of the student's choice. If the evaluation is made by a source other than that provided by the College, the student must pay all costs.
 - b. The student may be accompanied during the hearing by a family member or counselor and may examine the evaluation prior to a final decision. The College requires a qualified professional to interpret the results of the evaluation.
 - c. When a determination is made to withdraw the student, he/she will be given the reasons for the decision and an explanation of any conditions imposed for future re-admission. Should the student apply for re-admission at any time, a current evaluation of his/her emotional or psychological state should be submitted and considered as part of the application. These applications will be processed through the Petitions Committee.
2. Any student who harms or threatens to harm himself/herself or another will be referred immediately to a physician or counselor for assessment. The student will be allowed to remain on campus only with written

documentation from the physician or counselor stating that it is safe for him/her to do so and with the approval of the Vice President for Student Affairs. Parents and appropriate College officials may be notified immediately at the discretion of the Vice President for Student Affairs or other personnel on duty.

3. In cases involving academic programs, the existing Academic Withdrawal Procedures will be followed with the same exceptions noted in 1, a-c.

APPENDIX A DRUG-FREE SCHOOL POLICY

Barton College has adopted this policy as part of the Drug-Free Schools and Communities Act Amendments of 1989, and because of the institution's commitment to preserving the health and well being of its students and employees, and to providing a safe environment for both learning and employment. This policy established the College's position on the use or abuse of alcohol, drugs, or other controlled substances by students and employees.

Assistance and Services: The College would like to assist any student or employee who has a substance abuse problem in overcoming his/her addiction. There are a variety of services available both on campus and in the community. Educational programs dealing with substance abuse issues are offered each semester for students and employees as a segment of the College's Student Development Series offered by the Student Development Office. Students and employees may refer themselves to the Director of Student Health Services, the Director of Counseling, or Student Development professionals to seek substance abuse treatment. Community resources may be identified by looking in the yellow pages of the local telephone directory under "Alcohol/Drug Abuse Treatment" or "Counseling." Support groups and services, which can be of assistance, include local hospitals with outpatient treatment facilities, citizens' groups such as Alcoholics Anonymous, clergy, and church groups.

Conduct Standards: Illegal drugs include those controlled substances under federal or state law which are not authorized for sale, possession, or use, and legal drugs which are obtained or distributed illegally.

Barton College prohibits the unlawful manufacture, distribution, dispensation, presence, or use of alcohol, illegal drugs, or other controlled substances on its property or at any of its activities. The manufacture, use, possession, sale, purchase, or transfer of illegal drugs by a student or employee is prohibited.

Legal drugs include alcohol, medications prescribed by a physician, and over-the-counter medications.

Barton College prohibits the use or abuse of such drugs to the extent that physical and/or intellectual capabilities are adversely affected. Upon request, employees and students may be asked to furnish the College with a physician's statement regarding possible/probable side effects of medication.

Students and employees are expected to abide by all state and federal regulations regarding alcohol, drugs, or controlled substances. Applicable statutes are available for review in the College Library. All employees are required to notify the College of any conviction of a criminal drug statute within five days, including driving while impaired. (DWI).

Health Risks: Use of cannabis (Marijuana), inhalants, cocaine and other stimulants, depressants, hallucinogens, narcotics, designer drugs, and alcohol all have associated health risks. The use and/or abuse of these drugs threaten both mental and physical stability. Virtually all systems of the body (musculoskeletal, nervous, circulatory, respiratory, urinary, digestive, reproductive, and integumentary) can be adversely affected by alcohol and drug use and abuse. Overdoses of drugs and/or alcohol may cause death. The risk of contracting Acquired Immune Deficiency Syndrome (AIDS) or the AIDS-causing human immunodeficiency virus (HIV) increases with intravenous drug use.

Property Searches/Seizures: The College may search, for reasonable cause, any College property or student's personal property which has been brought onto College property. Conditions for searching a student's property on the campus are outlined in the College Student Handbook and the Judicial System and Procedures Handbook.

The College may conduct searches, for reasonable cause, of any College owned or controlled property utilized by or in the possession of its employees. Authority for conducting such searches rests with the College President or his/her designee.

Any search, for reasonable cause, of an employee and/or an employee's personal property including a vehicle on institutional property or at an institutional function must follow the ordinary requirements of law observing due process, as does any search occurring on premises not controlled by the institution.

Sanctions: Students or employees violating the conduct standards of this policy will be disciplined with sanctions ranging from a reprimand up to and including expulsion or termination.

Criminal Convictions: Violations of state and federal regulations or statutes regarding alcohol, drugs, or controlled substances may, and most often do, result in heavy fines and imprisonment.

Suspension of Financial Aid Eligibility for Drug-Related Offenses (1) effective 7/1/2000, a student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance shall not be eligible to receive any grant, loan, or work assistance under this title during the period beginning on the date of such conviction and ending after the interval specified in the following table:

If convicted of an offense involving:

The possession of a controlled substance: Ineligibility period is:

First offense..... 1 year
Second offense 2 years
Third offense..... Indefinite

The sale of a controlled substance:

Ineligibility period is:

First offense 2 years

Second offense..... Indefinite

Rehabilitation

A student whose eligibility has been suspended under paragraph (1) may resume eligibility before the end of the ineligibility period determined under such paragraph if:

- (A) the student satisfactorily completes a drug rehabilitation program that,
 - (i) complies with such criteria as the Secretary of the Department of Education shall prescribe in regulations for purposes of this paragraph; and
 - (ii) includes two unannounced drug tests; or

(B) the conviction is reversed, set aside, or otherwise rendered nugatory.

NOTE: DEFINITIONS - In this subsection, the term “controlled substance” has the meaning given the term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

North Carolina Laws and Federal Penalties

**G.S. 18B-300 to 18B-308:
Purchase, Possession and Consumption
Of Alcoholic Beverages**

Sale: It shall be unlawful for any person to sell or give malt beverage, unfortified wine, fortified wine, spirituous liquor, or mixed beverages to anyone less than 21 years old.

Purchase or Possession: It shall be unlawful for a person less than 21 years old to purchase, to attempt to purchase, or to possess malt beverages, unfortified wine, fortified wine, spirituous liquor, or mixed beverages.

Aider and Abettor - By Underage Person: Any person under the age of 21 who aids or abets another in violation of the above shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than six months, or both. - By Person Over Lawful Age: Any person over the age of 21 who aids or abets another in violation of the above shall be guilty of a misdemeanor punishable by a fine of up to two thousand dollars (\$2,000.00) or imprisonment for not more than two years or both.

Purchase or Possession by Person 19 or 20 Years Old: A violation of this law by a person who is 19 or 20 years old is an infraction and is punishable by a fine of not more than twenty-five dollars (\$25.00). An infraction is an unlawful act that is not a crime.

G.S. 90-89 to 90-96: Controlled Substances

Schedule I Controlled Substances: These substances have a high potential for abuse, no currently accepted

medical use in the United States, or a lack of accepted safety for use in treatment under medical supervision. This schedule includes some opiates such as heroin, hallucinogenic substances including LSD (lysergic acid diethylamide), peyote, MDMA, psilocybin, PCP (Phencyclidine), and depressants such as methaqualone (Quaaludes).

Schedule II Controlled Substances: These substances have a high potential for abuse, and currently accepted medical use in the United States, or currently accepted medical use with severe restrictions. The abuse of the substance may lead to severe psychic or physical dependence. This schedule includes opium, codeine, morphine, cocaine, and amphetamines.

Schedule III controlled Substances: These substances have a high potential for abuse less than the substances listed in Schedule I and II; have currently accepted medical use in the United States, and abuse may lead to moderate or low physical dependence or high psychological dependence. This schedule includes barbiturates such as amobarbital, secobarbital, pentobarbital, Paregoric, codeine-containing medications.

Schedule IV controlled Substances: These substances have a low potential for abuse relative to the substances listed in Schedule III, have currently accepted medical use in the United States, and limited physical or psychological dependence relative to the substances listed in Schedule III. This schedule includes depressants such as diazepam (Valium) and some stimulants.

Schedule V Controlled Substances: These substances have a low potential for abuse relative to the substances listed in Schedule IV, have currently accepted medical use in the United States, and limited physical or psychological dependence relative to the substances listed in Schedule IV. This schedule includes substances that contain limited amounts of narcotic drugs such as codeine, dihydrocodeine, ethylmorphine, atropine sulfate, and opium.

Schedule VI Controlled Substances: These substances have no currently accepted medical use in the United States, or a relatively low potential for abuse in terms of risk to public health and potential to produce psychic or physiological dependence liability based upon present medical knowledge. This schedule includes marijuana and tetrahydrocannabinol (THC).

Violations Penalties

It is unlawful for any person:

1. To manufacture, sell, deliver, or possess with intent to manufacture, sell, or deliver, a controlled substance. Anyone who violates this law with respect to:

- a controlled substance classified in Schedule I or II shall be punished as a Class H felon.
- a controlled substance classified in Schedule III, IV, V or VI shall be punished as a Class I felon.

2. To create, sell, deliver, or possess with intent to sell or deliver, a counterfeit controlled substance. Anyone who violates this law shall be punished as a Class I felon.

3. To possess a controlled substance.

Anyone who violates this law with respect to:

- a controlled substance classified in Schedule I shall be punished as a Class I felon.

- a controlled substance classified in Schedule II, III, or IV shall be guilty of a misdemeanor and be sentenced to a term of imprisonment of not more than two years or fined not more than two thousand dollars (\$2,000.00) or both.
- a controlled substance classified in Schedule V shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than six months or fined not more than five hundred dollars (\$500.00) or both.
- a controlled substance classified in Schedule VI shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than 30 days or fined not more than one hundred dollars (\$100.00) or both.

G.S. 90-113.22: Possession of Drug Paraphernalia

It is unlawful for any person to knowingly use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repack, store, contain, or conceal a controlled substance which it would be unlawful to possess, or to inject, ingest, inhale, or otherwise introduce into the body a controlled substance which it would be unlawful to possess.

Violation of this section is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than one year, or both.

Further treatment information is available by writing or calling:

Alcoholics Anonymous World Services

P.O. Box 459, Grand Central Station
 New York, New York 10163
 (212) 686-1100

Narcotics Anonymous

P.O. Box 9999
 Van Nuys, California 91409
 818) 780-3951

These two organizations offer confidential assistance to people with alcohol or drug abuse problems and they have local chapters in nearly every community in the United States.

National Clearinghouse for Alcohol & Drug Information

Box 2345
 Rockville, Maryland 20852
 (301) 468-2600

Toll-Free Information:

1-800-356-9996
 Al-Anon

1-800-527-5244
 American Council on Alcoholism

1-800-COCAINE
Cocaine Hotline

1-800-NCA-CALL
National Council on Alcoholism

1-800-662-HELP
National Institute on Drug Abuse Hotline

Policy Review: In accordance with the Drug-Free Schools and Communities Act, this policy will be reviewed biennially for effectiveness and consistency. POLICY REVIEWED AND REAFFIRMED: August 1, 1992; REVIEWED AND REVISED: March 2, 1995. REVIEWED AND REVISED: December 31, 2003. REVIEWED AND REVISED: August 15, 2004

Policy Distribution: This policy will be distributed annually to each student and employee of Barton College.

1. Distribution to students enrolled in the regular program will be the responsibility of the Dean of Students.
2. Distribution to students enrolled in the Lifelong Education, Summer Sessions, and Weekend College programs will be the responsibility of the Vice President for Academic Affairs.
3. Distribution to employees will be the responsibility of the Director of Human Resources.

APPENDIX B

POLICY ON UNWANTED SEXUAL ACTIVITY

The College community is committed to preserving the dignity and safety of its members. It will not tolerate sexual assault in any form including acquaintance rape. Where there is probable cause to believe that the campus regulations prohibiting sexual assault or unwanted sexual activity have been violated, the College will support individuals who wish to pursue disciplinary action through the student judicial process. Sanctions can include removal from the residence hall community, probation, suspension, or dismissal from the College.

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Policy on Sexual Harassment

The College has long been dedicated to maintaining and fostering a fair, humane, and responsible environment for all students, staff and faculty. Sexual harassment is considered a violation of policy and will be dealt with under the procedures which have been established. We affirm the EEOC Guidelines on Discrimination Because of Sex Section 1604.11, November 1980 and Section 703 of Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or education;
 2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
 3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working environment.
- Although the majority of incidents of sexual harassment involve a male supervisor, co-worker, or

instructor harassing a woman, the law and Barton College policy also cover women harassing men, women harassing women, and men harassing men. Barton College strictly prohibits retaliation against individuals for bringing complaints of sexual harassment.

Detailed information on the College's sexual harassment policy and grievance procedures can be found in the College's Regulatory Documents (2-17). This policy can be located on the Barton Intranet Home Page under the regulatory documents section.

APPENDIX C

ON-LINE RESOURCE POLICY (INFORMATION TECHNOLOGY NETWORK; ACCEPTABLE USE POLICY)

Barton College uses its computer facilities and information technology resources to supplement the educational process and to enhance research and instruction of faculty, staff, and students. This document will outline the obligations accepted by each computer user. Every person using Barton College computers and/or College Network must accept the terms of this document as well as the boundaries imposed by local, state, and federal laws.

1. Users may use only those accounts for which they have authorizations as granted by the College. Information in all files is private. Using the files of others without their permission is unethical and illegal.
2. Accounts or passwords are not to be shared. Users will be held responsible for any activity taking place within their own accounts. If you discover that your account has been used by another person, please notify the System Administrator immediately.
3. Tampering with the password system or attempting to gain access to another's account or trying to degrade the system is prohibited. Any person violating this rule will lose computing privileges and will be subject to further discipline by the College.
4. All users must respect copyright and other intellectual-property rights. When citing Internet material in a paper or project, be sure to give a proper citation to the writer of the material.
5. Electronic mail is not to be used to post any form of threatening, abusive, unwelcome or unwanted messages. Intimidation of another person by threatening language or personal attacks is prohibited.
6. Academic use of the system takes priority over other uses.

7. Use of printers and computer supplies for multiple copies is prohibited.
8. Inappropriate materials, including pornography, should not be viewed or transmitted in any area where others may see such material and be offended. Common courtesy and good sense should be used.
9. The Barton College logo is only to be used on the official Barton College sponsored home page. Submissions for inclusion at this address must be made by official Barton College organizations to the Director of Publications. Submissions should first be approved by the President and then be submitted on diskette in Word Perfect, Word, or ASCII format.
10. Users may not, under any circumstances, without prior written consent from the System Administrator, use the name, the College seal, or any graphic symbol used by or associated with Barton College as part of an e-mail address, a "home page" or a second domain name for any online network. Unauthorized use can result in a criminal penalty.
11. Persons found in violation of any of the above guidelines and/or commission of abuse of the system and/or access privileges are subject to having their e-mail accounts and/or Internet use suspended by the System Administrator. Multiple violations by students may be turned over to the Dean of Students for disciplinary action. Violations by faculty or staff may be referred for disciplinary actions as provided for by College policies.
12. Barton College reserves the right to amend this policy as it sees fit.