

# Section I – Student Code of Conduct 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.

## Section II – Student Code of Conduct Overview

The Vice President for Student Engagement and Success is charged with overseeing the development of policies for the administration of the student conduct system and procedural rules for the conduct of Student Conduct Board Hearings.

Students are provided the Student Bulldog Handbook and the Student Code of Conduct annually in the form of a link on the College website. Students are responsible for reading and abiding by all provisions of the Honor System.

Barton College reserves the right to revise and/or alter the policies listed throughout the document at any point during the academic year. Communication regarding those changes will be sent out via Barton College student email addresses.

The current version of the Student Code of Conduct remains in effect until the subsequent Student Code of Conduct is published and posted.

### Vision, Mission, and Philosophy

Every member of Barton College has the right to live and learn in an atmosphere of respect and support. The Barton College honor system presents the expectations of the College that individuals will act in a manner that is respectful of the rights and privileges of others.

Responsibility for maintaining the honor of the community rests with each individual member. Only if every member assumes responsibility for personal and group integrity and civility will the community best meet the developmental needs of its members. All members must examine, evaluate and regulate their own behavior to be consistent with the expectations of the Barton community.

The Barton College Honor System includes the Honor Code, the Code of Conduct (including the Sexual Misconduct and Interpersonal Violence Policy), and adjudication processes. All students are governed by the Honor System. Under the leadership of the Vice President for Student Engagement and Success, Barton College's Office of Student Development has been charged with the operational oversight of the College's judicial processes.

**a. Vision:** The Barton College Office of Student Development strives to provide high quality, student centered services, programs, and experiences that will promote all students' holistic development, health and well-being, enhance the quality and safety of students' living/learning experience, as well as foster students' development as responsible and engaged members of their campus community.

**b. Mission:** The Office of Student Development promotes individual student development and a campus climate of civility and accountability. The Office encourages education and accountability by providing processes designed to uphold the behavioral expectations of the Code of Conduct. The mission is to advance responsible community citizenship through promotion of Barton College values.

# General Rights and Responsibilities

**a. The Right to Fundamental Fairness:** Barton College is committed to a fundamentally fair conduct process that affords each student who has been alleged to have violated any policy:

- i. Notice of any allegations, and
- ii. An opportunity to be heard before the designated Barton College official(s).

**b. The Right to Appeal:** Barton College also allows for appeals by certain parties, as outlined in the appellate procedures below.

**c. The Right to Review Records:** FERPA permits students to review and request to amend their records as outlined in the Barton College General Catalog. Barton College recognizes this right.

i. Barton College reserves the right to notify parents, guardians, designated emergency contacts or other family when it determines the circumstances warrant such notification including, but not limited to:

1.) Barton College will notify parents/legal guardians of students under the age of 21

a. Following the first violation of the Barton College drug policy.

b. Following the second violation of the Barton College alcohol policy.

2.) For any student, regardless of age, that is in a situation that is threatening to their own health or safety situation or placed another in a situation that is threatening to their health or safety, both the parents and any "emergency contact" may be notified. This may include any referral to any wellness center for alcohol or drug assessment.

3.) When the Vice President for Student Engagement and Success or designee determines that circumstances exist where it is in the best interest of the student and College to notify the parent.

4.) If it is deemed by the Vice President for Student Engagement and Success or designee that it may be counter-productive to notify a parent, then the procedures may be altered as necessary.

## Non-Discrimination Statement

Barton College is committed to equality of educational opportunity and does not discriminate against applicants, students, or employees based upon race, color; national origin, religion, gender; sexual orientation, age, veteran status or disability. Barton College opposes sexual discrimination in all forms.

Barton College supports the protections available to members of its community under all applicable laws, including, Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 799A and 845 of the Public Health Service Act; the Equal Pay Act; the Age Discrimination Act of 1975; the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1974; the Vietnam Era Veteran's Readjustment Assistance Act of 1974; the Americans with Disabilities Act of 1992; and Executive Order 11246, as amended by Executive Order 11375.

In compliance with Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1992, accommodations of the disabled extend to student programs, employment practices, elimination of physical barriers, and special assistance to disabled students and employees within the college. This nondiscrimination policy covers admission, readmission, access to and treatment, and employment in college programs and activities, including, but not limited to, academic, admissions, financial aid, any services, and employment.

Any student who believes that he or she has been discriminated against by the college because of his or her race, color, national origin, religion, gender, age, sexual orientation, or disability may speak with the Vice President for Student Engagement and Success. Following that discussion, a student who wishes to file a formal grievance will be directed to the grievance procedure in the *Bulldog Student Handbook*. Any college employee desiring information or having a complaint or grievance in regard to these provisions should contact the Human Resource Director/EEO officer.

**a. Accommodations for Students with Disabilities:** Barton College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

i. Barton College is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the programs and activities of the College.

ii. All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Coordinator of Disability Services who coordinates services for students with disabilities. The Coordinator reviews documentation provided by the student and in consultation with the student, determines which accommodations are appropriate to the student's particular needs and programs. It is then the student's responsibility to make direct requests for accommodations to the appropriate staff.

## Section III – Student Code of Conduct Policies

**A. Jurisdiction.** This Code applies to any student at Barton College from the time of admission until the actual awarding of a degree (applying to behavior that occurs before classes begin or after classes end, as well as during periods between terms of enrollment unless a student has completed the process of withdrawal from the College). This may include students who attended Barton College and are currently suspended but not expelled and are still considered students for jurisdictional purposes.

This Code applies to any behaviors that take place on the campus, at college-sponsored events and may also apply off-campus and to actions online when the Vice President for Student Engagement and Success or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- 1.) Any action that constitutes criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the College is located;
- 2.) Any situation where it appears that the accused individual may present a danger or threat to the health or safety of him/herself or others;
- 3.) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- 4.) Any situation that is detrimental to the educational interests of the College.
- 5.) Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the College's control (e.g. not on College networks, websites or between College email accounts) may be subject to off-campus jurisdiction when those online behaviors can be shown to cause an on-campus disruption or adversely affect a College interest or the College's mission.

**B. Standard of Proof.** In all cases of alleged violations of Barton College policy, decisions regarding responsibility for violating the code of conduct are based on the preponderance of evidence. A preponderance of evidence exists when a reasonable person, after evaluating all credible information available at the time of the investigation, would conclude that it is more likely than not that a violation has occurred. This standard is also employed when making determinations regarding interim restrictions/actions.

**C. Parental Notification Policy.** Barton College reserves the right to notify parents, guardians, designated emergency contacts or other family when it determines the circumstances warrant such notification including, but not limited to:

Barton College will notify parents/legal guardians of students under the age of 21

- Following the first violation of the Barton College drug policy.
- Following the second violation of the Barton College alcohol policy.

For any student, regardless of age, that is in a situation that is threatening to their own health or safety situation or placed another in a situation that is threatening to their health or safety, both the parents and any "emergency contact" may be notified. This may include any referral to any wellness center for alcohol or drug assessment.

When the Vice President for Student Engagement and Success or designee determines that circumstances exist where it is in the best interest of the student and College to notify the parent.

If it is deemed by the Vice President for Student Engagement and Success or designee that it may be counter-productive to notify a parent, then the procedures may be altered as necessary.

## **D. Residence Hall Policies**

### **Alcohol:**

- 1.) Only students who are 21 or older and living in East Campus Suites or Hackney Hall are allowed to have alcohol in their specific room. A student who is 21 or older is NOT allowed to have alcohol in an underage student's room.
- 2.) Students who are 21 or older are not allowed to purchase or provide alcohol to a minor. If alcohol is provided to a minor; this action may result in the student's loss of privilege, and possible relocation from East Campus Suites or Hackney Hall to another residential facility, without housing reimbursement.
- 3.) Alcohol is only allowed in individual student rooms of East Campus Suites and where the door is closed and the student is 21 years of age or older. Alcohol is NOT allowed in East Campus Suites common areas including hallways (corridors), breezeways, patios, laundry facilities, study rooms, floor/hall kitchen areas, and lobbies.
- 4.) Kegs, pony kegs, beer bongs, etc. are not allowed in the residence halls.
- 5.) Drinking parties are not allowed in the residence halls. No more than four guests over the age of 21 can be in a room of East Campus Suites or Hackney Hall when alcohol is present. More than four guests will constitute a party.

6.) Residents who are 21 and older and who are living in East Campus Suites or Hackney Hall are allowed to have:

- a. One six-pack of beer per legal-aged student, or
- b. Two four-packs of wine coolers per legal-aged student, or
- c. Two bottles of wine per legal-aged student, or
- d. One 750 ml bottle of liquor per legal-aged student.

### **Appliances:**

Only College approved appliances are permitted in the residence halls. For a list that is not all-inclusive, see the Frequently Asked Residence Hall Questions page on the Barton College website. For more specific questions about any appliance or device, see the Residence Life staff. No open coil devices are permitted.

### **Candles:**

Candles, incense, incense burners, flammable liquids (e.g. gas/oil), or other items that present a fire hazard are prohibited. For questions about any device, see the Residence Life staff.

### **Cooking:**

Residents of East Campus Suites and Hackney Halls have access to the full kitchen located in the main lobby of East Campus Suites. The use of the kitchen is considered a privilege and Residence Life Staff reserves the right to close the kitchen if safety issues arise.

### **Displays:**

The following displays are prohibited:

- 1.) Any alcohol container collection,
- 2.) Any drug paraphernalia;
- 3.) Any display that would constitute a hostile work environment for staff in the building.

### **Entry and Search of Rooms:**

1.) The College recognizes residents' desire for privacy, particularly in the context of their living situation, and will do all it can to protect and guarantee their privacy. However, the College's designated staff member reserves the right to enter a resident's room at any time for the following purposes:

- a. To determine compliance with all relevant health and safety regulations (e.g. fire alarms, lock downs, health and safety checks, etc.),
- b. To provide cleaning and/or pest control,
- c. To conduct an inventory of College property,
- d. To silence unattended loud alarms and music,

- e. Where there is an indication or concern of danger to life, health, and/or property,
- f. Where there is a reasonable cause to believe that a violation of College policies is occurring,
- g. To search for missing College property,
- h. To perform maintenance work.

2.) For most maintenance concerns, prior notice will be given whenever possible.

3.) A room search by a designated Barton College staff member is possible but rare. For such a search to take place, the conditions for room entry must exist, and permission from the Assistant Dean for Student Development or a designee must be obtained. Items that violate College or housing regulations may be confiscated. Guest Responsibility: Resident students are expected to register their guests in accordance with College policy.

1. Students are reminded that they are accountable for any and all violations their guests may commit while visiting them.

2. Permitting a student who has been expelled, suspended, removed from housing or otherwise banned from the residence halls or campus access to the building or a room will be subject to immediate removal from housing and possible additional sanctions.

### **Network/Computing:**

In addition to the College Computing Policy, residence hall students are prohibited from tampering with network equipment or installing any hubs or other devices that may affect network activity. For questions about any device, see the Residence Life staff.

### **Noise/Quiet Hours:**

Quiet hours during the academic year are listed as the following:

- 1.) Sundays – Thursdays: 10 p.m. – 10 a.m.
- 2.) Fridays and Saturdays: 10 p.m. – 10 a.m.
- 3.) 24-Hour Quiet Hours will go into effect during exam periods.

### **Pets:**

Although it is the policy of Barton College that individuals are generally prohibited from having animals of any type (with the exception of fish in a maximum of a 10 gallon tank) in College housing, Barton College will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Assistance Animal. However, no Assistance Animal may be kept in College housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy. Students wishing to seek approval for an Assistance Animal can request to initiate the process through the Coordinator for Disability Services in the Lee Student Health Center.

## **Room/Hall Change:**

Unauthorized room or hall changes are prohibited.

## **Visitation:**

1.) Definitions:

a. Guest – A guest is a non-Barton college student or a Barton College student who is not a resident of the building in which they are visiting.

b. Visitor – A visitor is a Barton College student who is a resident of the building who is visiting in the room of another resident in the same building in which they are both assigned.

2.) Waters, Hilley, and Wenger Halls Policy

a. Standard Guest Policy: Visitation hours in residence hall rooms begin at 9 a.m. and end at Midnight Sunday through Thursday. Visitation hours are extended until 2 a.m. on Friday and Saturday. Each residential student may have up to two guests or visitors of either sex during this time frame. Students are required to sign in all guests starting at 8 p.m.

b. Overnight Guest Policy: All building residents may have up to two overnight guests or visitors of the same sex for no more than three consecutive nights and 15 nights total per semester. All overnight guests or visitors must be signed in prior to Midnight. All residents utilizing the Overnight Guest Policy must receive roommate consent (if applicable).

3.) East Campus Suites and Hackney Halls Policy

a. Standard Guest Policy: East Campus Suites and Hackney Hall maintain 24-hour visitation seven days a week. Each residential student may have up to two guests or visitors during this time frame. Students are required to sign in all guests from 8 p.m. until 2 a.m. seven days per week.

b. Overnight Guest Policy: Residents of East Campus Suites may have up to two overnight guests or visitors for no more than three consecutive nights and 15 nights total per semester. All overnight guests or visitors must be signed in prior to Midnight. Hackney Hall residents may have one overnight guest or visitor for no more than three consecutive nights and 15 nights total per semester.

## **Windows:**

Tampering, blocking or opening windows that require tools to open are prohibited. Throwing or dropping items from any window is prohibited. Hanging items outside windows without prior permission is also prohibited. Unauthorized access to balconies is also prohibited.

## E. Campus Policies

Those prohibited behaviors and processes associated with Sexual Misconduct and Interpersonal Violence are administered under the authority of the College's Title IX Coordinator and govern all students. Those prohibited behaviors and processes may be found in the Sexual Misconduct and Interpersonal Violence Policy. Violations of the Sexual Misconduct and Interpersonal Violence Policy are violations of the Student Code of Conduct.

1.) Aiding or Abetting: Attempting, aiding, abetting, being an accessory to or failing to report any act prohibited by the College policy shall be considered the same as a completed violation.

2.) Alcohol:

a. Students are expected to comply with all state and local laws. An updated list of all North Carolina laws concerning alcohol can be found at this link: [https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_18B/GS\\_18B-301.html](https://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_18B/GS_18B-301.html).

b. Students are expected to comply with all BC Residence Hall regulations regarding the presence and use of alcohol in the residence halls.

c. Possession or consumption of alcohol by anyone under the age of 21 is prohibited.

d. Providing alcohol or access to alcohol to anyone under the age of 21 is prohibited.

e. Violating any provision of the Code of Student Conduct while under the influence of alcohol constitutes a violation of this policy.

f. Common containers (e.g. kegs, beer balls, etc.) are prohibited on campus.

3.) Amnesty: In certain circumstances students may qualify for amnesty from minor violations of the Code (e.g., underage drinking, minor drug use, such as marijuana). Usually, this is when they are cooperating or participating in a more serious violation of College policies (e.g. Sexual Assault). In this case, educational options will be explored, but no conduct proceedings or conduct record will result. (Records regarding the provisions of amnesty may be maintained by the Office of Student Development.

4.) Animals: Animals that are kept on a leash are permitted on the campus grounds but are prohibited from entering buildings. College approved Assistant Animals are permitted in buildings. See the Coordinator for Disability Services for more information on this process.

5.) Arrest Policy: Students who are arrested by any law enforcement agency are required to inform the Assistant Dean for Student Development or designee within 72 hours of their release. Students arrested may be subject to College disciplinary action when their conduct violates College policies as determined using College procedures and standards of proof. Failure to report this information to the Assistant Dean for Student Development or designee will result in a "Failure to Comply" allegation and may result in further disciplinary action.

6.) Bicycles: Bicycles are permitted on campus and users are encouraged to use care in their operation of them. Bicycles must be kept in vehicles or inside residence hall rooms. They cannot be locked to light poles, benches, or other public areas without authorization and they cannot be left in hallways, lobbies, or other common areas.

7.) Computer/Technology Misuse: Students may not tamper with the College's network or other technical or electronic equipment. Students are expected to abide by the College's Information Technology Network Acceptable Use Policy as noted in the Student Handbook. Violations of the Acceptable Use Policy are considered violations of the Student Code of Conduct.

8.) Damage to Property: Damage to or destruction of property or actions that have the potential for such damage or destruction is prohibited. Conduct which threatens to damage, or creates hazardous conditions such as dropping, throwing, or causing objects or substances to fall from windows, doors, ledges, balconies or roofs is also prohibited. This includes, but is not limited to, unauthorized application of graffiti, paint, etc. to property or removal of window restrictors, security screens, etc.

9.) Disruptive Activity: No person or organization may interfere with, disrupt normal activity and operations of, or promote the interference or disruption of students, faculty, administration, staff, or the educational mission of the College or of the College or its buildings, equipment or facilities. Any form of expression that materially interferes with such activities and operations or invades the rights of persons is prohibited.

a. Non-compliance with reasonable time, place, or manner restrictions on expression is considered a violation of this section. Such activity includes, but is not limited to, behavior in a classroom or instructional program that interferes with the instructor or presenter's ability to conduct the class or program, or the ability of others to profit from the class or program.

b. To remain in the vicinity of activity that is disrupting normal College functions when requested to leave by a College official is prohibited. Bystanders, if their presence incites or adds to the disruption, as well as more active participants in the disruptive activity, may be in violation of this policy.

10.) Drugs:

a. Students are expected to comply with all federal, state and local laws which can be found at this link: [https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter\\_90/Article\\_5.html](https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_90/Article_5.html).

b. The unauthorized possession, use, manufacture, sale, or distribution of any counterfeit, illegal, dangerous, "designer," or controlled drug or other substance is prohibited. This includes prescription medications. Violating any other provision of the Code of Student Conduct while under the influence of any illegal or illegally obtained drug is also a violation of this policy. The possession of drug paraphernalia is also prohibited. Any dilute, late, missed, forged, or failed College required drug screen will constitute a violation of this policy.

11.) Failure to Comply: Students and student organizations are expected to comply with and respond appropriately to the reasonable and lawful requests of College officials in the performance of their duties. Students are expected to appear at conduct hearings to respond to allegations or testify as a witness when reasonably notified to do so. A failure to properly comply with or complete a sanction or obligation resulting from a conduct hearing or adjudication may also be considered failure to comply with an official request.

12.) Fire Alarms/Safety Equipment: No person shall make, or cause to be made, a false fire alarm or emergency report of any kind. No person shall tamper with, damage, disable or misuse fire safety equipment including, but not limited to, fire extinguishers, fire hoses, fire alarms and fire doors. Tampering with or disabling any fire safety equipment in a residence hall may result in your immediate removal from College Housing and a fine. Students are required to evacuate any College building when a fire alarm is sounding and/or when instructed to do so in an emergency or drill by College staff. Violation of this policy may result in a fine and other disciplinary action.

13.) Fraud/Lying: Lying or fraudulent behavior in, or with regard to, any transaction with the College, whether oral or written, is prohibited, including but not limited to misrepresenting the truth before a hearing of the College or knowingly making a false statement orally or in writing to any College official.

14.) Gambling: The College prohibits gambling.

15.) General Laws: Students or student organizations involved in alleged violations of any federal, state, or local laws may be subject to disciplinary action. These allegations will be adjudicated using the College standard of proof and procedure. Disciplinary action imposed by the College may precede and/or be in addition to any penalty imposed by an off-campus authority.

16.) Guest Responsibility: Students are accountable for any and all violations their guests may commit while visiting them.

17.) Harassment: Conduct that creates or attempts to create an intimidating, hostile, or offensive environment for another person is prohibited. Such conduct includes, but is not limited to, action(s) or statement(s) that threaten harm or intimidate a person, stalking, voyeurism (or peeping), or any other form of unwanted contact.

a. The harassment policy includes bullying, which is defined as any ongoing behavior directed at or about a student that is degrading, humiliating, malicious, or defamatory. Behaviors may occur in person, in print, via electronic means, or through social networking (cyber-bullying). Examples include, but are not limited to, ongoing pranks or ridicule directed against an individual, graffiti, posting insults against a student in a public setting or on any website.

18.) Harm to Person(s): Actions which result in physical harm, have the potential for physically harming another person, which create conditions that pose a risk of physical harm to another, or which cause reasonable apprehension of physical harm are prohibited.

19.) Hazing: Link to North Carolina State laws on hazing can be found at this link: [https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_14/Article\\_9.pdf](https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_14/Article_9.pdf). 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 and/or complicity in the presence of hazing are not neutral acts; they are violations of this policy.

20.) Interference/Obstruction of the Conduct Process: Interfering in any manner with the student conduct process is prohibited. Examples of violating this policy include, but are not limited to:

- a. Failing to participate in a hearing or investigation;
- b. Colluding with or intimidating witnesses;
- c. Providing false information or intentionally omitting relevant information from an investigation or hearing.

21.) Misuse of Documents: Forgery, alteration, or misuse of any document, record, or officially issued identification is prohibited.

22.) Misuse of Student Identifications: Lending a Barton College Student ID card to anyone for reasons not authorized by the College, failing to present a Student ID card when requested by a College official acting in the performance of his or her duties, or possessing or using a fraudulent ID card, may subject the owner and/or the holder to disciplinary action.

23.) Misuse of Keys: No person may use or possess any College key without proper authorization. No College key is allowed under any condition to be duplicated.

24.) Motor Vehicles: Motor vehicles must have a current parking sticker and be registered with Campus Police. Parking is permitted in any non-reserved spaces in college lots and drivers are expected to obey all traffic laws and signs.

25.) Retaliation:

a. Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment or discrimination, supporting a reporting party or for assisting in providing information relevant to a claim of harassment or discrimination is a serious violation of College policy and will be treated as an instance of harassment or discrimination.

b. Acts of alleged retaliation should be reported immediately to the Title IX Coordinators or designee and will be promptly investigated. Barton College will take all appropriate actions to protect individuals who fear that they may be subjected to retaliation.

26.) Searches: Any person present on College premises or at off-campus College-sponsored functions who is in possession of a bag, purse, backpack, or any other container where contraband, weapons, alcohol, or any other prohibited substance could be contained is subject to search by a College official. This includes, but is not limited to, vehicles parked on College premises when there is reason to believe the vehicle contains any prohibited item.

27.) Sexual Misconduct: See the section on Sexual Misconduct/Title IX policy.

28.) Theft: Theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.

29.) Tobacco/Smoking: The use of tobacco products is prohibited inside buildings, on balconies, and within 25 feet or less from all campus buildings. Spit from dipping tobacco and cigarettes butts must be disposed of immediately and properly.

30.) Unauthorized Presence or Use of College Facilities: Unauthorized entry into, presence in, or use of College facilities, equipment, or property that has not been reserved or accessed through appropriate Barton College officials is prohibited.

31.) Weapons/Explosives:

a. The unauthorized possession or use of firearms, or weapons of any other kind (including but not limited to knives, slingshots, metal knuckles, razors, paintball guns, BB guns, and air pistols) is prohibited.

b. The ignition or detonation of anything which could cause damage to persons or property or disruption by fire, smoke, explosion, noxious odors, stain, corrosion or similar means is prohibited. Possession of anything in the nature of fireworks, explosives or chemical explosives is prohibited on any property owned or operated by the College or off-campus College sponsored events without prior authorization from an appropriate authorized Barton College official.

c. Students and employees are permitted to be in possession of pepper spray for self-defense purposes only and a general use pocket knife (extended blade cannot exceed three inches). Barton College staff reserve the right to restrict these items if an individual is found responsible for their misuse.

## F. Academic Integrity Policies

1.) Policy on Academic Honesty: The following list of violations outlines infractions. The list is not comprehensive.

Academic Dishonesty is defined as any act of cheating and plagiarism. Cheating is defined as giving or receiving aid, including attempting to give or receive aid, without the specific consent of the professor, on quizzes, examinations, assignments, etc.

Plagiarism is defined as presenting as one's own the writing or work of others.

Whenever phrasing is borrowed, even if only two or three words, the indebtedness should be recognized by the use of quotation marks and mention of the author's name. The language of another is not made the writer's own by omission, rearrangement, or new combinations; such an act is plagiarism.

Disruption of educational process is defined as the obstruction or disruption of teaching, disciplinary procedures, administration, or other College activities. Sanctions for violations of academic honesty are found in the Barton College Judicial System and Procedures Handbook. The College uses a software program to verify that student work is not plagiarized and students are strongly encouraged to ask their instructors about using the program to check their own work before turning it in.

2.) Disruptive Behavior in the Classroom. The instructor may withdraw a student from a course for behavior that is deemed by the instructor to be disruptive to the class. If the student is withdrawn from the course during the drop period, he or she will simply be dropped from the course. If the student is withdrawn from the course before the last official date to withdraw, the instructor will record the grade either as "WP" or "WF," depending on the student's performance. After the official last date to withdraw, the student will automatically receive a "WF." The WF grade is punitive and affects the grade point average as a failing grade. If the student feels that the dismissal from the class is unjustified, he or she may request an Honor Code hearing and has a choice of an appeal to the Vice President for Academic Affairs or an Honor Code Conduct Board Hearing. In either case, the student must first meet with the instructor and then with the instructor and the dean/chair, following the submission of a written appeal. If the instructor and the chair/dean cannot resolve the issue or if the student disagrees with their ruling, the student then has a choice of an Honor Code Conduct Board Hearing or a hearing with the Vice President for Academic Affairs, the instructor, and the chair/dean.

## G. Sexual Misconduct and Interpersonal Violence Policies

**General Statement.** Barton College is committed to providing a safe environment for all of its students and employees free from discrimination on any grounds. Barton does not tolerate acts of sexual harassment, interpersonal violence sexual misconduct, and sex and/or gender based discrimination. All members of the community should conduct themselves, therefore with integrity, respect and consideration for others. Anyone, including employees of Barton, students, contractors, or visitors who sexually harasses or discriminate against another will be addressed in accordance with this internal policy whether it takes place within Barton's premises or off site, including social events, business trips, training sessions or conferences as well as athletic events on or off-campus.

Barton understands the negative impact sexual misconduct can have on individuals and the Barton community and therefore strives to provide information and training such that it can be eliminated and prevented.

To that end, the objectives of this policy are to:

- help define sexual misconduct and interpersonal violence so that each member of the community can recognize it,
- outline procedures for filing reports when it is suspected that a policy violation has occurred,
- explain the investigative process and possible sanctions and disciplinary measures to be enforced when a violation has occurred
- provide knowledge of the responsibilities of all employees of Barton so that those involved in a violation of policy can be assisted

**Definition and Examples of Prohibited Conduct.** Though Sexual Misconduct encompasses a wide range of behavior, examples of specifically prohibited conduct include the following:

1.) Sexual Harassment:

a. Unwelcome sexual conduct that is sufficiently severe, persistent, or pervasive that it has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the College's educational, social and/or residential program and is based on real or reasonably perceived power differentials (aka, quid pro quo), the creation of a hostile environment or retaliation.

b. Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Sexual harassment can occur regardless of the gender of a person being subject to the harassment and the gender of the harasser: Sexual harassment may also occur between people of the same gender.

i. Some examples may include but are not limited to:

(a) Subjecting or threats of subjecting, an employee or student to unwelcome sexual attention or conduct or intentionally making performance of the employee's job or student's coursework more difficult because of that employee's or student's gender.

(b) Sexual or discriminatory displays or publications anywhere in Barton's workplace by Barton employees.

(c) Unwelcome sexual advances, propositions, or sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.

(d) Preferential treatment or promises of preferential treatment in exchange for submitting to sexual conduct.

(i) Examples include soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward. Soliciting or attempting to solicit a student to engage in sexual activity for a good grade or other advantage, educational or otherwise.

2.) Non-Consensual Sexual Intercourse:

a. Any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force.

i. "Sexual penetration" includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

3.) Non-Consensual Sexual Contact:

a. Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force.

i. "Sexual touching" includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual

manner (examples include touching, pinching, patting, grabbing, brushing against another person's body or poking another's body).

#### 4.) Sexual Exploitation:

- a. A situation in which a person takes non-consensual or abusive sexual advantage of another; and
- b. Situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact.

i. Examples of sexual exploitation include, but are not limited to:

- (a) Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- (b) Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- (c) Unauthorized taking, sharing, or distributing of pictures, videos or other media of a sexual nature.
- (d) Prostitution.
- (e) Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

#### 5.) Relationship or Intimate Partner Violence:

(also known as Dating Violence or Domestic Violence)

- a. Abusive behavior that is used by an intimate partner to gain or maintain power and control over the other partner.
- b. Intimate partner violence can be:
  - i. Physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.
  - ii. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party, where the existence of such a relationship is determined based on the following factors:
    - (a) Length of the relationship
    - (b) Type of the relationship
    - (c) Frequency of interaction between the persons involved in the relationship

## 6.) Stalking:

a. A course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome, and would cause a reasonable person to feel fear; OR

b. Repetitive and menacing conduct, purposely or knowingly causing emotional distress, or pursuing, following, harassing, and/or interfering with the peace and/or the safety of another.

## 7.) Statement on Consent and Confidentiality

a. Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

b. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.

c. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent.

d. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

e. A minor below the age of consent according to state law cannot consent to sexual activity. This means that sexual contact by an adult with a person below the age of consent is a crime as well as a violation of this policy, even if the minor appeared to have consented to engage in the act.

## Confidentiality

All reports and investigations are treated confidential to the extent possible and information is disclosed strictly on a need-to-know basis.

The identity of the reporting party is usually revealed to the parties involved during the investigation and retaliation is not permitted in any form during and after the investigation toward the reporting party or responding party. Any reporting party who wishes to remain anonymous, may need to discuss things with a confidential source, who by their position are able to maintain confidentiality; however, if it is desired that an investigation be conducted and action taken, it will be necessary to reveal those involved in the situation to the extent necessary to thoroughly investigate the reported incident to its conclusion.

Any person found to have sexually harassed another will face disciplinary action, up to and including termination of employment if an employee of the College and up to an including expulsion if a student of the College. Any person who willingly files a false report and/or bears false witness against someone involved in a sexual harassment complaint may also be subject to the same discipline alternatives. All information pertaining to a report of sexual harassment or investigation is maintained in secure files within the HR Department and/or Title IX coordinator's office(s).

## **Section IV – Investigation and Hearing Procedures for Violations of Residence Hall and Campus Policies Standards**

### Relevant Definitions:

- Reporting Party – The individual(s) who has reported an alleged violation(s) of the Barton College Code of Conduct.
- Responding Party – The individual(s) charged with a potential violation of the Barton College Code of Conduct.
- Hearing Officer – A trained representative from Barton College who, after appointed by the Office of Student Development, will investigate allegations of violations of the Barton College Code of Conduct and adjudicate findings to the cases.
- Student Conduct Board – A pool of students, faculty, and staff selected by the Vice President for Student Engagement and Success and trained to deliberate on cases that involve allegations of violations of the Barton College Code of Conduct.

## A. Procedures for Violations of Residence Life and Campus Standards

For the process related to incidents involving sexual misconduct, please see the Procedures for Sexual Misconduct and Interpersonal Violence (Title IX) Policies.

For the process related to incidents involving academic dishonesty, please see the Procedures for Violations of Academic Integrity Policies.

### 1.) Reporting

a. Barton College will investigate any and all reports of alleged violations of College policy or Residence Hall Policies.

b. Reporting an allegation of violation of policy. Anyone who believes a policy has been violated should contact the appropriate personnel including the Area Director of Residence Life, Director of Housing and Residence Life, Assistant Dean for Student Development, or Vice President for Student Engagement and Success.

c. Statement on confidentiality. In some cases, the anonymity of a Reporting Party may not be able to be kept. In cases where this is requested, the Investigator, Vice President for Student Engagement and Success, Assistant Dean for Student Development or designee will take all steps to protect a victim of discrimination. Should a reporter or complainant's identity need to be disclosed, all efforts to place them on notice will be made.

d. Policy on Student Withdrawals with Pending Disciplinary Action. Barton College does not permit a student to withdraw if that student has a complaint pending for violation of Code of Student Conduct or any College policy. Should a student decide to leave and not participate in an investigation and/or hearing, the process will nonetheless proceed in the student's absence to resolution and that student will not be permitted to return to Barton College unless all sanctions have been satisfied.

### 2.) Investigations

a. Following receipt of notice or a complaint, the Assistant Dean for Student Development or designee of the Office of Student Development will promptly investigate the complaint. The individual(s) designated are hereinafter referred to as the "Hearing Officer." Hearing Officers facilitate Student Conduct Conferences, conduct investigations, and adjudicate Administrative Hearings as outlined below.

i. If the incident occurs in a College owned Residence Life facility and involves potential violations for which suspension is not a likely outcome, the incident report is usually referred to a professional staff member from the Department of Housing & Residence Life for investigation and adjudication.

ii. Violations that involve the following are normally referred to a Student Conduct Board Hearing.

(a) All violations for which suspension is a possible outcome.

(b) Incidents involving the use, possession, or sale of drugs and/or drug paraphernalia.

(c) Setting fires or tampering with fire and/or life safety equipment.

(d) Incidents dealing with weapons on campus.

- (e) Hazing violations.
- (f) Cases which involve civil or criminal action against a student (unless pertaining to sexual misconduct and interpersonal violence).
- (g) Cases that originated with a Hearing Officer in the Department of Housing and Residence Life but were referred to the Office of Student Development or a Student Conduct Board Hearing.

### iii. Interim Actions/Restrictions During the Investigation

(a) The College may take interim actions as necessary to protect the community from a threat to the health or safety of the community as a whole, to any particular member of the community, or in cases where there may be a risk of a substantial disruption to the normal operations of the College. In all cases, the subject of the interim action will be given an opportunity to be heard by the Assistant Dean for Student Development or designee on the necessity of the restriction within two (2) business days of the issuing of the restrictions. These actions may include, but are not limited to:

(b) Interim Suspension. A student/organization who is suspended on an interim basis is subject to all of the same restrictions as if they had been suspended as a final sanction.

(c) Interim Restrictions. These restrictions may include, but are not limited to: restricted access to facilities, housing and/or events, temporary removal from co-curricular involvements including athletic teams, student organizations, or campus leadership roles; no-contact orders with specific individuals; or any other restrictions deemed by the Vice President for Student Engagement and Success, Assistant Dean for Student Development or designee to be necessary to achieve the goals stated above.

(NOTE: Barton will not pay for or make any arrangements for housing for any student removed from housing on an interim basis.)

(d) Altering any of these restrictions may be predicated on the requirement to engage in a psychological assessment, drug/alcohol testing, interviews, etc. at the discretion of the Assistant Dean for Student Development or designee.

### iv. Process for Adjudication

#### a. Step 1: Student Conduct Conference

After the incident report is reviewed and potential code of conduct violations are identified, the student is sent a notice via Barton College email from the Office of Student Development indicating the potential charges. The notice also provides a date, time, and location for the Student Conduct Conference that does not conflict with the student's course schedule. The notice will also identify the Hearing Officer assigned to the case. If the student does not attend the scheduled conference or contact the Hearing Officer in a timely manner to reschedule the conference, then the Hearing Officer will make a decision and adjudicate the case based on all the information received and available at that time. The student will be notified of the decision. Whether the case is adjudicated through an Administrative Hearing or a Student Conduct Board Hearing, the Hearing Officer or Board will use the preponderance of evidence standard of proof to determine the appropriate finding. A preponderance of evidence exists when a reasonable person, after evaluating all

credible information available at the time of the investigation, would conclude that it is more likely than not a violation has occurred.

i. At the Student Conduct Conference, the Hearing Officer reviews the potential charges, informs the student about Barton College's process for investigating and adjudicating potential violations of the Code of Conduct, and answers any student questions regarding the process.

ii. At the conclusion of the Student Conduct Conference, the appropriate course of action will be determined. The outcome of the conference may include:

- (1) Deciding that there is insufficient evidence to pursue the case.
- (2) Setting charges and conducting an Administrative Hearing at that time.
- (3) Setting charges and scheduling an Administrative Hearing for up to 5 business days in the future.
- (4) Postponing setting charges until a more comprehensive investigation can take place. This type of investigation typically takes 1-3 weeks to complete but can be longer for more complex cases.
- (5) Referring the case to the Student Conduct Board Hearing.

#### b. Step 2: Student Conduct Board Hearing

i. A Student Conduct Board Hearing can take place when the initial Hearing Officer and/or student decide that an Administrative Hearing is not appropriate. Most hearings are conducted with three members of the Student Conduct Board pool.

(1) The Student Conduct Board is a pool of students, faculty, and staff selected by the Vice President for Student Engagement and Success and trained to deliberate on cases that involve allegations of violations of all Barton College policies.

(2) The student members shall serve one year terms, renewable at the discretion of the Vice President for Student Engagement and Success or their designee.

(3) The faculty/staff members of the Student Conduct Board shall serve staggered three year terms.

#### ii. Notice of Allegations and Hearing

(1) No less than 5 business days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Office of Student Development will send a written communication (letter and/or email) to the parties with the following information:

(a) A description of the alleged violation(s), a description of the applicable policies and a statement of the potential sanctions/responsive actions that could result;

(b) The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Assistant Dean for Student Development or designee may reschedule the hearing. Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed,

to meet the resolution timeline followed by the College. In these cases, the College reserves the right at this moment to adjust the protocol to fairly achieve resolution. The College also reserves the right to conduct these hearings via College-approved video-conferencing platforms.

iii. Prior to the Student Conduct Board Hearing

(1) The Student Conduct Board members (and alternates), the Responding Party and, when appropriate, the Reporting Party, will be provided access to view copies of all appropriate documentation no less than five (5) business days prior to the hearing. This will include, but is not limited to:

(a) The investigation report if applicable.

(b) A list of any witnesses who will be available for the hearing, should their testimony be necessary.

(c) The names of the Student Conduct Board members and alternates, to allow for any challenges for cause/bias to be made to the Assistant Dean for Student Development or designee.

(i) The Assistant Dean for Student Development or designee will consider all challenges and the parties will be notified as to the determination.

(d) Any other supporting documentation.

(2) Any special requests by any parties for a screen or closed circuit participation or accommodations for registered disabilities. The Assistant Dean for Student Development and/or designees will make the final determinations on these requests.

iv. All Student Conduct Board Hearings will be audio recorded.

v. Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to College consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors/advocates as noted below.

vi. In hearings involving more than one Responding Party or in which two Reporting Parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the complaints jointly; however, the Assistant Dean for Student Development or designee may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.

vii. During the Hearing:

(1) Formal rules of evidence will not apply. Any evidence that the Student Conduct Board believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing and may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and evidence.

(2) Character witnesses are not permitted to testify in the determinations stage of the hearing, nor are statements of character to be introduced.

(3) Two letters of character support may be submitted for the sanctioning phase of the hearing.

(4) "Impact statements," describing the effect that the incident has had on the Reporting or Responding Parties will not be permitted in the determinations phase of the hearing, but may be offered in person or in writing during the sanctioning phase of the hearing.

viii. Most Student Conduct Board Hearings are completed within 30 days of report of the incident.

ix. All Student Conduct Board Hearings are restricted to those who are directly involved with the incident and those requested to be present by the institution. Responding Parties and Reporting Parties may bring one advisor of their choice.

(1) Typically, advisors are members of the campus community, but they may be anyone that the parties choose.

(2) Advisors may only counsel the student and may not actively participate in the hearing. The advisor may not make a presentation or represent the student in the hearing. They may confer quietly with their advisee, exchange notes, and suggest questions to their advisee.

(a) An advisor who is not in compliance with Barton College's Code of Conduct expectations for advisors will be reminded of the role of the advisor one time. After that, the hearing may be cancelled or the advisor may be asked to leave.

### c. Investigation Findings

i. Whether the case is adjudicated through an Administrative Hearing or a Student Conduct Board Hearing, the Hearing Officer or Board will use the preponderance of evidence standard of proof to determine the appropriate finding. A preponderance of evidence exists when a reasonable person, after evaluating all credible information available at the time of the investigation, would conclude that it is more likely than not a violation has occurred.

(a) No Finding: In these cases, the Hearing Officer or Student Conduct Board has made a determination that the Responding Party is in no way involved in a violation of policy. The Responding Party's name will be cleared for purposes of third party reporting, but the record of the investigation will be retained. This finding is not subject to any appeal.

(b) Not Responsible: In these cases, the Hearing Officer or Student Conduct Board has determined that insufficient evidence exists for a finding of responsibility for any of the allegations. The case is closed and a record of the not responsible finding(s) is retained by the College.

(c) Responsible: In these cases, the Hearing Officer or Student Conduct Board determines that sufficient evidence exists for a finding of "Responsible" for any of the violations. The Responding Party has the option to appeal the finding, the sanction, or both.

d. Sanctions

i. Individual Students

(a) The following College-wide disciplinary sanctions may be imposed upon students found responsible for a violation of the Code of Student Conduct. All sanctions may be imposed either singularly or in combination.

(b) The purposes of imposing sanctions are twofold: one, to protect the College community from behavior which is detrimental to the community and/or the educational mission of the College by stopping the behavior; preventing its recurrence and remedying the effect on the victim and the community; and two, to assist students in understanding campus standards for behavior and identifying acceptable parameters and consequences of future behavior. The sanction(s) imposed is/are intended to correspond with the severity or frequency of violations, as well as the student's willingness to recommit him/herself to behaviors that fall within the Code of Student Conduct of the College and are consistent with the mission and values of Barton College. Other factors that may affect the sanctions are:

- (1) The nature, severity of, and circumstances surrounding the violation;
- (2) An individual's disciplinary history;
- (3) Previous complaints or allegations involving similar conduct;
- (4) The need for sanctions/responsive actions to bring an end to the actions that were in violation of the Code;
- (5) The need for sanctions/responsive actions to prevent the future recurrence of the actions that were in violation of the Code;
- (6) The need to remedy the effects of the actions that were in violation of the Code on the victim and the community.

(c) Sanction Options:

(1) Expulsion: Dismissal from the College without the ability to apply for re-admittance.

NOTE: Any student expelled for disciplinary reasons must vacate the campus within the period of time noted in the notice of expulsion (typically immediately). The student may not return to campus or College property without prior written permission by the Vice President for Student Engagement and Success or designee. Failure to comply with this request will constitute criminal trespass.

(2) Suspension: Denial of enrollment, attendance, and other privileges at the College for a specified period of time. Permission to apply for re-admission upon termination of the period may be granted with or without conditions/restrictions. Students may be required to complete a period of disciplinary probation upon their return to the College.

NOTE: Any student suspended for disciplinary reasons must vacate the campus within the period of time noted in the notice of suspension (typically immediately).

The student may not return to campus or College property during the term of the suspension without prior written permission by the Vice President for Student Engagement and Success or designee. Failure to comply with this request will constitute criminal trespass.

(3) College Probation: A period of review and observation during which a student is under an official notice that subsequent violations of College rules, regulations, or policies are likely to result in a more severe sanction including suspension or expulsion from the College. While on conduct probation, a student may be considered to be "not in good standing" and may face specific limitations on his or her behavior and/or College privileges (see Conditions/Restrictions below).

(4) Conditions/Restrictions: Limitations upon a student's behavior and/or College privileges for a period of time, or an active obligation to complete a specified activity. This sanction may include, but is not limited to: restricted access to the campus or parts of campus, denial of the right to represent the College in any way, denial of housing or parking privileges, removal from student activities or leadership roles, required attendance at a workshop, or participation in public service.

(5) Written Warning: An official reprimand that makes the misconduct a matter of record in College files. Any further misconduct could result in further disciplinary action.

(6) Fines/Restitution: An order may be issued to make restitution or to pay a fine when a student has engaged in conduct including but not limited to: the damage or destruction of property, the theft or misappropriation of property, fraudulent behavior, violations of the alcohol and/or drug policies, or violations of the fire safety policies. Such property may belong to an individual, group, or the College. Restitution may be in the form of payment, community service, or other special activities designated by the hearing authority.

(7) Withholding Diploma: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint, investigation or hearing pending.

(8) Revocation of Degree: The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation, or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

(9) Other sanctions: The College reserves the right to impose other sanctions as necessary to remain consistent with the mission and vision of Barton College. These may include, but are not limited to: mandated psychological assessment, research projects, drug/alcohol classes or testing, proof of employment or attendance at classes, etc.

#### (d) Housing and Residence Life Specific Sanctions

(1) Permanent Housing Removal: Immediate removal from College housing with no ability to return.

NOTE: Any student permanently removed from College housing for disciplinary reasons must vacate the hall within the period of time noted in the notice of removal (typically immediately). The student may not return to any residence hall without prior written permission by the Vice President for Student Engagement and Success or designee. Failure to comply with this request will constitute criminal trespass. Additionally, anyone removed from housing for disciplinary reasons remains subject to the termination clause of the housing contract, including payment of any fees or penalties. Once receiving notice of removal, the student may not be in the hall without a Residence Life staff escort.

(2) Temporary Housing Removal: Immediate removal from College housing for a set period of time with an ability to reapply to return to College housing.

NOTE: Any student removed from College housing for disciplinary reasons must vacate the hall within the period of time noted in the notice of removal (typically immediately). The student may not return to any residence hall without prior written permission by the Vice President for Student Engagement and Success or designee. Failure to comply with this request will constitute criminal trespass. Additionally, anyone removed from housing for disciplinary reasons remains subject to the termination clause of the housing contract, including payment of any fees or penalties.

(3) Housing Relocation: Immediate removal from a specific hall within College housing, and reassignment to another hall. NOTE: Any student removed from any specific hall within College housing for disciplinary reasons must vacate that hall within the period of time noted in the notice of relocation (typically immediately). The student may not return to the residence hall from which they were removed without prior written permission by the Vice President for Student Engagement and Success or designee. Failure to comply with this request may constitute criminal trespass and will result in more severe disciplinary action.

#### ii. Student Organizations

(a) The following disciplinary sanctions may be imposed upon student organizations when they have been found responsible for violating the Code of Student Conduct. All sanctions may be imposed either individually or in combination. Disciplinary sanctions are imposed for the purpose of holding student organizations and their membership accountable for their actions and the actions of their guest(s), whether on campus or at any organization sponsored function.

(1) Permanent Revocation of Organizational Registration: "Permanent revocation" of the organization's registration means revocation without the ability to apply for new registration. Any organization whose registration is permanently revoked must cease all organizational activities upon receipt of the notice of permanent revocation. Any member of an organization whose registration has been permanently revoked shall

relinquish any appointed or elected office held with that organization's governing body. Balances of all organizational funds granted by the College and/or the Student Government are to be surrendered to the Vice President for Student Engagement and Success or designee. Office or housing space assigned by the College shall be vacated within five (5) business days (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to revocation may be reassigned to other eligible College organizations.

(2) Suspension: Suspension means denial of rights and privileges of a registered organization for a specified period of time. Any organization whose registration is suspended or revoked must cease all organizational activities upon receipt of the notice of revocation or suspension. Any member of a suspended organization may not hold an appointed or elected office with that organization's governing body for the duration of the organization's period of suspension. Balances of all organizational funds granted by the College and/or the Student Government are to be surrendered to the Vice President for Student Engagement and Success or designee. Office or housing space assigned by the College shall be vacated within five (5) College business days (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to suspension may be reassigned to other eligible College organizations. Leave to reapply for registration as a student organization may be granted with or without qualifications. Office or housing space assigned prior to suspension will not automatically be reassigned. The organization may reapply for a space assignment, subject to availability. Suspended organizations will automatically be placed on probationary status for a minimum of one academic year following their renewed registration.

(3) Probation: A period of review and observation during which a student organization is under official notice that subsequent violations of College rules, regulations, or policies could result in a more severe sanction including suspension. During the probationary period, a student organization is deemed "not in good standing" with the College and may be subject to one or any combination of the following conditions and/or restrictions:

- (i) Denial of the right to represent the College;
- (ii) Denial of the right to maintain an office or other assigned space on College property;
- (iii) Denial of the privileges of:
  - 1 – Receiving or retaining funding;
  - 2 – Participating in intramurals;
  - 3 – Sponsoring any social event;
  - 4 – Sponsoring any speaker or guest on campus;
  - 5 – Participating in any social event;
  - 6 – Co-sponsoring any social event or other activity;
  - 7 – Rush or membership recruitment.

(4) Conditions/Restrictions: Limitations upon a student organization's privileges for a period of time or an active obligation to complete a specified activity or activities. This sanction may include, for example, denial of housing or social privileges, etc.

(5) Written Warning: An official written reprimand making the misconduct a matter of record in College files for a specified period of time. Any further misconduct may result in further disciplinary action.

(6) Restitution/Fines: An organization may be ordered to make restitution or to pay a fine when the organization has engaged in conduct including but not limited to: the damage or destruction of property, the theft or misappropriation of property, fraudulent or disruptive behavior; violations of the alcohol and/or drug policies, or violations of the fire safety policies. Such property may belong to an individual, group, or the College. Restitution may be in the form of financial payment, public service, or other special activities designated by the hearing authority.

e. Appeals

i. General Guidelines

(a) The Responding Party may submit a Request for Appeal (RFA) form to the Office of Student Development.

(b) The form must be submitted within 5 business days, by 5pm, after the initial decision and finding has been rendered.

(c) All sanctions instituted by the original hearing body are to be implemented, barring extreme exigent circumstances. Final exams, graduation, and/or proximity to the end of a term are not considered exigent circumstances.

(d) The presumptive stance of the Request for Appeal (RFA) Reviewer is to be that the original hearing body was correct in its initial finding. The burden is on the appellant to show error as outlined below in the Grounds for Appeal.

(e) Appeals are not intended to be full re-hearings of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. No interviewing of or testimony by the parties is appropriate.

(f) The RFA Reviewer may, at their discretion, request information regarding procedure from the Investigator or original Hearing Officer. Ideally, this information would not be necessary, as it should be included in the written Requests and/or response Memorandums.

ii. Grounds for Appeal

(a) New Facts

(1) Discovery of substantial new facts that were not reasonably available at the time of the hearing and are material to the original finding or sanction. Withholding information

or declining to participate in the original hearing is not grounds for appeal based on discovery of new facts. If the appeal is based on substantial new facts, the request must outline the following:

- (i) Source of new information and complete explanation of that information.
- (ii) Names(s) of who can present this information.
- (iii) Reasons(s) why this information was not presented at the original hearing.
- (iv) Reasons(s) why this information may contribute to a decision other than that which was originally made.

## (2) Arbitrary and Capricious Sanctioning

(i) Sanctions may be changed only if they are substantially disproportionate to the conduct violation, considering any mitigating and aggravating factors, including but not limited to disciplinary history of the student found responsible.

1 – If the appeal is based on arbitrary or capricious sanctioning, the request must outline why the assigned sanctions are disproportionate to the Code of Conduct violation.

## (3) Procedural Violation

(1) If it is believed there was a substantial violation of the hearing procedure that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures that could affect the outcome of the hearing, etc.), the appeal request must outline the following:

- 1 – Citation of specific procedural errors with appropriate references.
- 2 – Reason(s) why procedural error was not mentioned in the original hearing.
- 3 – Reason(s) why correction of error can contribute to a decision other than that which was originally made.

## iii. Procedures

(a) A Request for Appeal Form must be submitted in writing to the Office of Student Development within 5 business days of notification of the outcome of the original hearing. All outcomes are assumed received by all parties 5 days after sent via mail or email.

(1) Any Request for Appeal not filed in a timely fashion will be denied. No exceptions to this timeline are permissible without the express permission of the Vice President for Student Engagement and Success of their designee.

(2) The Request for Appeal Form reviewer should not have been involved in the investigation.

(3) The Request for Appeal Form reviewer reviewing the request may consider credibility, plausibility, and weight in their assessment of the request.

(4) Any Request for Appeal will be shared with all parties (Responding Party, Reporting Party, (original Hearing Officer) who may respond to the Request in a "Response Memorandum."

(5) All Response Memorandums must be submitted to the Request for Appeal Form Reviewer for consideration within three (3) days of their notification of the Request for Appeal.

(6) All Response Memorandums will be shared with all parties.

(7) The Request for Appeal Form Reviewer, after considering all Requests and Response Memorandums, will make one of the following determinations within three (3) business days of receiving the final response Memorandum:

(i) The Request for Appeal is denied. This decision is final and there is no appeal to this decision permitted by any party.

(ii) The Request for Appeal is being forwarded for consideration to the College Student Conduct Appeals Panel.

(8) Any decision will be communicated to all parties within three (3) business days, barring exigent circumstances, of the Request for Appeal Form Reviewer's decision.

(b) Appeals forwarded to the College Student Conduct Appeals Panel.

(1) The College Student Conduct Appeals Panel is made up from a pool of faculty members and administrators selected by the Vice President for Student Engagement and Success or their designee and is comprised of three total individuals.

(i) In certain cases, the Vice President for Student Engagement and Success may chair the College Student Conduct Appeals Panel when other members of the pool cannot be utilized due to timelines, bias, etc.

(c) Forwarded Requests for appeals will be considered and decided and will be communicated to all parties in writing within five (5) business days, barring exigent circumstances, of receipt from the RFA Reviewer.

(d) The College Student Conduct Appeals Panel decisions are limited to the following:

(1) Affirming the decision of the original hearing body.

(2) In cases where the College Student Conduct Appeals Panel determines that the procedural error did significantly impact the finding or sanction, it will either:

(i) Remand the case back to be reheard by a new Student Conduct Board /Hearing Officer. This is typically done in cases where the procedural error is so profound as to render the original board too biased or influenced. Or;

(ii) Remand the case back to the original hearing body with instruction to repair the procedural error.

(3) In cases where the College Student Conduct Appeals Panel determines that the new evidence, unavailable during the original hearing or investigation, is now available and could substantially impact the original finding or sanction it will either:

(i) Remand the case back to the original hearing body with instruction to consider the new evidence.

I – In these cases, the original hearing body will convene solely to consider the new evidence. Whether all parties are required to be in attendance is at the discretion of the Chair/Original Hearing Officer.

(ii) Remand the case back to be reheard in its entirety by a new Student Conduct Board /Hearing Officer. This is typically done in cases where the new evidence is accompanied by a procedural error so profound as to render the original panel too biased or influenced.

(4) In rare cases, the College Student Conduct Appeals Panel may alter the finding or sanction based on the new evidence. This will only be done in cases where reconvening the Panel would put an undue burden on the parties (e.g., the Panel is not available).

In cases where a new panel is convened or the original hearing panel is reconvened, the appellate process may still be available to the parties, but only on the outcomes and proceedings of the most recent hearing, and subject to the same grounds and restrictions. There are no appeals procedures applicable to a decision affirming the original findings.

## **Section V – Investigation and Hearing Procedures for Violations of Academic Integrity Policies Standards**

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**

a. 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.

b. 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.

c. 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.

d. 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.

e. If this is a first infraction, the student may choose either a VPAA Hearing or a Student Conduct Board Hearing to appeal the penalty. 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.

f. 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.

g. 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.

h. 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 VPAA. 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.

a. 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.

b. 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. The statement should be sent to the VPAA, who will include it in College Judicial Council files. The statement will be placed in the student's file.

c. For a third offense a student will usually be expelled from the College.

## **Section VI – Investigation and Hearing Procedures for Violations of Sexual Misconduct and Interpersonal Violence (Title IX) Policies Standards**

### **A. Reporting Procedures and Responsibilities**

#### **a. Procedures**

Barton considers all incidents to be serious and strives to promptly investigate all allegations of sexual misconduct. If an employee or student feels that he or she is being subjected to sexual misconduct, he or she should:

- i. Immediately inform the person(s) that the conduct is unwelcome and needs to stop. Whether the conduct ceases or does not cease, or if the employee or student is unable to or is uncomfortable with addressing the person(s) directly, he or she should proceed to reporting the conduct outlined below.
- ii. Report the incident to the appropriate supervisor, or one of the Title IX Coordinators (VP of Student Success and Engagement or the Director of Human Resources).
- iii. Provide a written record of the date, time and nature of the incident(s) and the names of any witnesses (This written record is helpful but not required). It is important to report all concerns of sexual harassment or inappropriate sexual conduct to the appropriate supervisor, HR Director or Title IX Coordinator as soon as possible so that an investigation can occur and appropriate action can follow.

#### **b. Responsibilities:**

i. All Barton employees are considered responsible parties unless their position grants them confidentiality rights and are required to report any potential Title IX violations to the Title IX Coordinator.

ii. Confidential Employees with state-conferred privileges are not required to report knowledge of sex/gender-based misconduct. They include:

- Campus mental-health counselors
- Chaplain
- Physicians and health care providers
- Those supervised by a confidential employee in the scope of their management of that employee.

iii. All Management who are made aware of a possible Title IX violation must:

1. Take all reports seriously
2. Report all incidents to a Title IX Coordinator
3. Take appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigation or report.

iv. The Title IX Coordinators are responsible for:

1. Ensuring that both the reporting party and the responding party are aware of the seriousness of a report of sexual harassment/misconduct.
2. Explaining Barton's Title IX policy and investigation procedures to all parties involved.
3. Preparing and issuing a report for confirmation of the details reported to the Coordinator.
4. Arranging for and providing oversight for the investigation of the reported events.

a. The Title IX Coordinator or designee will conduct an initial fact finding investigation to determine whether a policy violation may have occurred and warrants a formal investigation.

b. It is up to the Title IX Coordinator to determine if an in-house investigation will be conducted or if an outside third party will be contracted to complete the investigation. All reports involving senior management at the vice-president level or above may be handled by an external third party in accordance with Barton's policies and procedures.

c. If the Title IX Coordinator finds no evidence of policy violation, he or she will issue a report to the parties involved, noting the finding as well as any recommendations relevant to the case.

5. Reviewing the written report provided by the investigator documenting a finding of responsibility, summarizing the results of the investigation and confirming recommended actions which could include sanctions if applicable, based on the outcome of the investigation.

6. Notifying the reporting party and the responding party of the corrective actions to be taken, if any, and administering those actions.

7. Providing instructions for recourse should any of the applied sanctions are breached.
8. Providing direction should either party wish to appeal the final finding, sanction or both the finding and the sanction.

## B. Interim Actions/Restriction

The College may take immediate interim actions as necessary to protect the community from a threat to the health or safety of the community as a whole, to any particular member of the community, or in cases where there may be a risk of a substantial disruption to the normal operations of the College. In all cases, the subject of the interim action will be given an opportunity to be heard by the Title IX Coordinator or designee on the necessity of the restriction within two (2) business days of the issuing of the restrictions. These actions may include, but are not limited to:

### a. Interim Suspension:

- i. A student/organization who is suspended on an interim basis is subject to all of the same restrictions as if they had been suspended as a final sanction.
- ii. Suspended employees may be required to take time off with pay as determined by the Title IX Coordinator. This may require the use of available paid leave.

### b. Interim Restrictions:

- i. These restrictions may include, but are not limited to: restricted access to facilities, housing and/or events, no-contact orders with specific individuals, etc. or any other restrictions deemed by the Title IX Coordinator or designee to be necessary to achieve the goals stated above.

NOTE: Barton will not pay for or make any arrangements for housing for any student removed from housing on an interim basis.)

- c. Altering any of these restrictions may be predicated on the requirement to engage in a psychological assessment, drug/alcohol testing, interviews, etc. at the discretion of the Title IX Coordinator or designee.

## C. Investigations

- a. Following receipt of notice of a possible violation of Barton's Title IX policy, the Title IX Coordinator or designee will promptly investigate the reported event(s). (The individual(s) designated are hereinafter referred to as the "Investigator:")
  - i. In some instances, these investigations will be comprised of an interview with the reporting party and the responding party alleged to have violated the policy (the "Responding Party"). In other instances, a more in depth investigation may be required.

ii. An initial determination will be made regarding whether a policy violation may have occurred and warrants a formal investigation.

iii. In all cases, Barton will seek to have cases reach resolution within sixty (60) calendar days of notice of the allegation, barring exigent circumstances. If exigent circumstances exist, the Title IX Coordinator, or designee will provide notice to the responding party and the reporting party (if appropriate) of any delays or extensions.

l. The College may undertake a short delay (approximately 7-14 days, to allow for evidence collection) when criminal charges on the basis of the same behaviors that initiated the process are being investigated.

iv. All reporting parties and responding parties may designate an advisor to help provide support during the investigation, interviews, and meetings called by the College.

l. The role of the advisors: The advisors may accompany their designated party (reporting or responding) to all called meetings by the College. Typically advisors are members of the campus community, but may be anyone the parties choose. The advisor may not make a presentation or represent the reporting party or respondent during the investigation or during interviews and meetings. The reporting and responding parties are expected to ask and respond to questions on their own behalf, without representation by their advisors. An advisor may consult with their advisee quietly or in writing, or outside the meeting room, during breaks, but may not speak on behalf of the reporting or responding parties.

b. The Investigator will meet with all appropriate parties, write a report, and will make a determination using the College's standard of proof. The final report will be shared with all parties. A follow up meeting is available for the parties to meet individually with the Title IX Coordinator upon their request.

## D. Investigative Findings

The standard of proof used for decisions regarding responsibility for Title IX policy violations is the preponderance of evidence. A preponderance of evidence exists when a reasonable person, after evaluating all credible information available at the time of the investigation, would conclude that it is more likely than not that a violation has occurred. This standard is also employed when making determinations regarding interim restrictions/actions.

Once a report has been referred to a formal investigation process, the following may result:

a. No Finding: In these cases, the Investigator has made a determination that the Responding Party is not responsible for a policy violation. The Responding Party's name will be cleared for purposes of third party reporting, but the record of the investigation will be retained. This finding is not subject to any appeal.

b. Not Responsible: In these cases, the Investigator has determined that insufficient evidence exists for a finding of responsible for any of the allegations. The case is closed and a record of the not responsible finding(s) is retained by the College. The reporting party has the option to appeal the finding.

c. Responsible: The investigator determines that sufficient evidence exists for a finding of "Responsible" for any of the violations. In this case, the Responding party may appeal the finding, sanction(s), or both the finding and the sanction(s). The Reporting party can appeal the sanction(s).

## E. Sanctions and Disciplinary Measures

Anyone who has been found responsible for a Title IX policy violation may incur any of the following sanctions and/or disciplinary measures. All sanctions may be imposed either singularly or in combination. The purposes of imposing sanctions are twofold: one, to protect the College community from behavior which is detrimental to the community and/or the educational mission of the College by stopping the behavior; preventing its recurrence and remedying the effect on the reporting party and the community; and two, to assist in identifying acceptable parameters and consequences of future behavior. The sanction(s) imposed is/are intended to correspond with the severity or frequency of violations, as well as the responding party's willingness to recommit him/herself to behaviors that fall within the applicable code of conduct of the College and are consistent with the mission and values of Barton College. Other factors that may affect the sanctions are:

The nature, severity of, and circumstances surrounding the violation:

- An individual's disciplinary history
- Previous reports involving similar conduct
- The need for sanctions/responsive actions to bring an end to the current actions found to be in violation of the applicable code of conduct and to prevent recurrence of those same or similar actions
- The need to remedy the effects of the actions that were in violation of the applicable code of conduct on the reporting party and the community

a. Sanctions for Individual Students:

i. Expulsion: Dismissal from the College without the ability to apply for re-admittance.

NOTE: Any student expelled for disciplinary reasons must vacate the campus within the period of time noted in the notice of expulsion (typically immediately). The student may not return to campus or College property without prior written permission by the Title IX Coordinator or designee. Failure to comply with this request will constitute criminal trespass.

ii. Suspension: Denial of enrollment, attendance, and other privileges at the College for a specified period of time. Permission to apply for re-admission upon termination of

the period may be granted with or without conditions/restrictions. Students may be required to complete a period of disciplinary probation upon their return to the College.

NOTE: Any student suspended for disciplinary reasons must vacate the campus within the period of time noted in the notice of suspension (typically immediately). The student may not return to campus or College property during the term of the suspension without prior written permission by the Title IX Coordinator or designee. Failure to comply with this request will constitute criminal trespass.

iii. College Probation: A period of review and observation during which a student is under an official notice that subsequent violations of College rules, regulations, or policies are likely to result in a more severe sanction including suspension or expulsion from the College. While on conduct probation, a student may be considered to be "not in good standing" and may face specific limitations on his or her behavior and/or College privileges (see Conditions/Restrictions below).

iv. Conditions/Restrictions: Limitations upon a student's behavior and/or College privileges for a period of time, or an active obligation to complete a specified activity. This sanction may include, but is not limited to: restricted access to the campus or parts of campus, denial of the right to represent the College in any way, denial of housing or parking privileges, required attendance at a workshop, or participation in public service.

v. Written Warning: An official reprimand that makes the misconduct a matter of record in College files. Any further misconduct could result in further disciplinary action.

vi. Fines/Restitution: An order may be issued to make restitution or to pay a fine when a student has engaged in conduct that violates the Title IX Policy.

vii. Withholding Diploma: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint, investigation or hearing pending.

viii. Revocation of Degree: The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation, or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

ix. Other sanctions: The College reserves the right to impose other sanctions as necessary to remain consistent with the mission and vision of Barton College. These may include, but are not limited to: mandated psychological assessment, research projects, drug/alcohol classes or testing, proof of employment or attendance at classes, etc.

x. Residence Life Specific Sanctions:

1. Permanent Housing Removal: Immediate removal from College housing with no ability to return. NOTE: Any student permanently removed from College housing for disciplinary reasons must vacate the hall within the period of time noted in the notice of removal (typically immediately). The student may not return to any residence hall without prior written permission by the Title IX Coordinator or designee. Failure to comply with this request will constitute criminal trespass. Additionally, anyone removed from housing for disciplinary reasons remains subject to the termination clause of the housing contract, including payment of any fees or penalties.

2. Temporary Housing Removal: Immediate removal from College housing for a set period of time with an ability to reapply to return to College housing.

NOTE: Any student removed from College housing for disciplinary reasons must vacate the hall within the period of time noted in the notice of removal (typically immediately). The student may not return to any residence hall without prior written permission by the Title IX Coordinator or designee. Failure to comply with this request will constitute criminal trespass. Additionally, anyone removed from housing for disciplinary reasons remains subject to the termination clause of the housing contract, including payment of any fees or penalties.

3. Housing Relocation: Immediate removal from a specific hall within College housing, and reassignment to another hall.

NOTE: Any student removed from any specific hall within College housing for disciplinary reasons must vacate that hall within the period of time noted in the notice of relocation (typically immediately). The student may not return to the residence hall from which they were removed without prior written permission by the Title IX Coordinator or designee. Failure to comply with this request may constitute criminal trespass and will result in more severe disciplinary action.

b. Sanctions for Student Organizations:

The following disciplinary sanctions may be imposed upon student organizations when they have been found responsible for violating the Code of Student Conduct. All sanctions may be imposed either individually or in combination. Disciplinary sanctions are imposed for the purpose of holding student organizations and their membership accountable for their actions and the actions of their guest(s), whether on campus or at any organization sponsored function.

i. Permanent Revocation of Organizational Registration: "Permanent revocation" of the organization's registration means revocation without the ability to apply for new registration. Any organization whose registration is permanently revoked must cease all organizational activities upon receipt of the notice of permanent revocation. Any member of an organization whose registration has been permanently revoked shall relinquish any appointed or elected office held with that organization's governing body. Balances of all organizational funds granted by the College and/or the Student Government are to be surrendered to the Title IX Coordinator or designee. Office or housing space assigned by the College shall be vacated within five (5)

business days (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to revocation may be reassigned to other eligible College organizations.

ii. Suspension: Suspension means denial of rights and privileges of a registered organization for a specified period of time. Any organization whose registration is suspended or revoked must cease all organizational activities upon receipt of the notice of revocation or suspension. Any member of a suspended organization may not hold an appointed or elected office with that organization's governing body for the duration of the organization's period of suspension. Balances of all organizational funds granted by the College and/or the Student Government are to be surrendered to the Title IX Coordinator or designee. Office or housing space assigned by the College shall be vacated within five (5) College business days (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to suspension may be reassigned to other eligible College organizations. Leave to reapply for registration as a student organization may be granted with or without qualifications. Office or housing space assigned prior to suspension will not automatically be reassigned. The organization may reapply for a space assignment, subject to availability. Suspended organizations will automatically be placed on probationary status for a minimum of one academic year following their renewed registration.

iii. Probation: A period of review and observation during which a student organization is under official notice that subsequent violations of College rules, regulations, or policies could result in a more severe sanction including suspension. During the probationary period, a student organization is deemed "not in good standing" with the College and may be subject to one or any combination of the following conditions and/or restrictions:

1. Denial of the right to represent the College;
2. Denial of the right to maintain an office or other assigned space on College property;
3. Denial of the privileges of:
4. Receiving or retaining funding;
5. Participating in intramurals;
6. Sponsoring any social event;
7. Sponsoring any speaker or guest on campus;
8. Participating in any social event;
9. Co-sponsoring any social event or other activity;
10. Rush or membership recruitment.

iv. Conditions/Restrictions: Limitations upon a student organization's privileges for a period of time or an active obligation to complete a specified activity or activities. This sanction may include, for example, denial of housing or social privileges, etc.

v. Written Warning: An official written reprimand making the misconduct a matter of record in College files for a specified period of time. Any further misconduct may result in further disciplinary action.

vi. Restitution/Fines: An organization may be ordered to make restitution or to pay a fine when the organization has engaged in conduct which violates the Title IX policy.

c. Sanctions for Employees:

i. Verbal or written warning with a copy placed in their official personnel file

ii. Adverse performance evaluation

iii. Demotion and/or reduction in wages

iv. Transfer

v. Suspension

vi. Dismissal

## F. Appeals

The reporting or responding party may submit an appeal if they meet the appeal guidelines. The following should be noted with regard to appeals:

a. General information:

i. All appeals must be in writing to the Title IX Appeal's Officer.

ii. The presumptive stance of the Appeal's Officer is that the initial finding is correct. The burden is on the appellant to show error as outlined below in the Grounds for Appeal.

iii. All sanctions instituted are to be implemented, barring extreme exigent circumstances. Final exams, graduation and/or proximity to the end of a term are not considered exigent circumstances.

iv. Appeals are not intended to be full re-hearings of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.

v. The Appeal's Officer may, at his or her discretion request information regarding procedure from the investigator or Title IX Coordinator. Ideally, this information would not be necessary, as it should be included in the written Requests and/or response Memorandums.

b. Grounds for Appeal:

i. A procedural error or omission occurred that significantly impacted the outcome of the hearing (by Title IX Coordinator) or investigation (e.g. substantiated bias, material deviation from established procedures, etc.).

ii. To consider new evidence, unavailable during the original hearing or investigation, that, if true and credible, could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

Note: when a party fails to provide a statement under advice of counsel during an investigation, and subsequent to the hearing decides to provide a statement, it will not be considered "new evidence" for the purposes of this ground. Additionally, subsequent findings of a criminal or civil court (e.g., dismissals, plea bargains, settlements) will not alone constitute sufficient grounds for appeal, but may be considered by the Appeal's Officer or designee if new evidence was the grounds for said finding.

iii. The sanctions are disproportionate to the responsible violation of policy.

### c. Procedure for Appeals

i. A Request for Appeal must be submitted in writing to the Appeal's Officer within three (3) business days of notification of the outcome of the formal investigation. All outcomes are assumed received by all parties three business (3) days after sent via mail or email.

Any Request for Appeal not filed in a timely fashion will be denied. No exceptions to this timeline are permissible without the express permission of the Appeal's Officer.

ii. The Appeals Officer should not have been involved in the investigation and will review all Requests for Appeal to insure the request has standing.

The Appeals Officer reviewing the Request may consider credibility, plausibility, and weight in their assessment of the Request.

iii. Any Request for Appeal will be shared with all parties (Respondent, Reporting Party, Investigator and Original Hearing Officer) who may respond to the Request in a "Response Memorandum."

All Response Memorandums must be submitted to the Appeals Officer for consideration within three (3) days of their notification of the Request for Appeal. All Response Memorandums will be shared with all parties.

iv. The Appeal's Officer, after considering all Requests and Response Memorandums, will make one of the following determinations within three (3) business days of receiving the final response Memorandum:

1. The Request for Appeal is denied and the original findings are affirmed. This decision is final and there is no appeal to this decision permitted by any party.

2. The Request for Appeal is upheld and is being forwarded to the Title IX Coordinator for placement in the process based on the grounds under which the appeal is granted:

a. If a procedural error or omission occurred that significantly impacted the outcome of the hearing, the case will be either:

1. Remanded back to be reheard by a new Hearing Officer: This is typically done in cases where the procedural error is so profound as to render the original officer too biased or influenced. OR,

2. Remand the case back to the original hearing body with instruction to repair the procedural error:

b. If it is necessary to consider new evidence, unavailable during the original hearing or investigation, but is now available and could substantially impact the original finding or sanction, the case will be either:

1. Remand the case back to the original hearing officer with instruction to consider the new evidence, OR,

2. Remand the case back to be reheard in its entirety by a new hearing officer: This is typically done in cases where the new evidence is accompanied by a procedural error so profound as to render the original officer too biased or influenced.

In rare cases, the Appeal's Officer may alter the finding or sanction based on the new evidence.

c. If it is found that the sanctions are disproportionate to the responsible violation of policy, the case will be:

1. Remanded back to the Title IX Coordinator to recommend new sanctions based on the Appeal.

v. Any decision will be communicated to all parties within three (3) business days, barring exigent circumstances, of the Appeal Officer's decision.

## **G. Retention of Records Regarding Reports of Sexual Discrimination and/or Sexual Misconduct:**

All records related to reports of sexual discrimination and/or sexual misconduct, including reports, investigations, findings, and resolutions, shall be maintained in accordance with College records policies. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instruction and/or advice from legal counsel.

## **Section VII**

### **Voluntary Withdraw Policy for Medical/ Psychological Needs and Voluntary/ Involuntary Leave for Students Who Pose a Direct Threat of Harm to Themselves or Others**

#### **Introduction**

The following policies and procedures are to be used to help transition a student to a safer environment more conducive to their needs when it becomes clear that remaining at Barton College is not in the best interest of the student or the College community. This policy also allows for a student to withdraw or temporarily leave voluntarily from the college when medical conditions or psychological distress make a withdraw or leave in their best interest; its goal is to define the length of separation, outline the path to re-entry and ease the transition for the student's return, and to optimize the opportunities for the student's success when they return. Under certain conditions, if a student has not opted to take a withdraw or leave voluntarily, the College may institute an involuntary withdraw under this policy.

#### **Student-Initiated Voluntary Medical or Psychological Withdrawal or Leave**

Students may initiate a withdrawal from Barton College for medical or psychological reasons (Note: Barton College may opt to broaden this policy to include leaves for any reason. Should that option be taken, the College may outline universal conditions for return that will optimize the student's success upon return). At the discretion of the Vice President for Student Engagement and Success (or designee), and subject to the refund policies of the institution, arrangements may be made for partial or complete refund of tuition and/or fees. Incomplete grades or other academic accommodations may be made as well, subject to the academic policies of the College. Modifications to housing contracts may also be possible. The normal College procedures for withdrawal will be followed, including any documentation requirements.

If a student takes a voluntary leave, the leave documentation will specify the duration of the leave and options for extension. The student is permitted to return upon the end of the leave period, subject only to any conditions or restrictions outlined and agreed to prior to the leave. Students taking a leave or withdrawal are under no obligation to accept these conditions, but, should they accept them, they are subject to them. Any conditions should be designed to ensure the success of the student upon return, should they choose to do so.

Students who elect to fully withdraw, rather than take a leave, are required to reapply for admission after the time specified by the Office of Enrollment Management and will be treated as any other applicant for admission at that time.

## College-Initiated Medical or Psychological Leave

If a student is behaving in a way that is threatening to others, the Assistant Dean for Student Development (or designee) may initiate these procedures. Students who engage in self-harm behaviors that cause a significant disruption to the community will be referred to the Prevention, Intervention, and Education (PIE) Committee. Students who engage in threats to others that cause a significant disruption to the community may also be subject to the Code of Student Conduct.

## Standard for Involuntary Leave on the Basis of Threat of Harm to Others

### **Standard for Separating a Student on the Basis of Behaviors Resulting from a Condition of Disability**

This section applies to all involuntary leaves from housing or from the College for any student who is at significant risk of harm to others as a result of a condition covered by disability law. When the potential for harm to others is present, involuntary withdrawal actions must consider whether the endangering behavior results from a condition of disability. If so, the student will be protected by Section 504 of the Rehabilitation Act of 1973. Under this federal statute, an individual with a disability may only be separated on the basis of this disability when they are not otherwise qualified to participate in the education program of the institution. The objective of this section is to determine whether it is more likely than not that a student is a direct threat. When a student is a direct threat, they are not otherwise qualified under disabilities law, and may be placed on leave.

A direct threat exists when a student poses a significant risk to the health or safety of others. A significant risk constitutes a high probability of substantial harm. Significance will be determined by:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The imminence of the potential harm.

The College must determine whether reasonable accommodations to policies, practices or procedures will sufficiently mitigate the risk, unless those reasonable accommodations would cause undue hardship for the College.

Determining that a student is a direct threat requires an objective and individualized assessment and hearing. The assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. This standard also applies to the reinstatement of a student who has been on leave. They are entitled to return upon a showing they no longer pose a direct threat of harm to others. The College's Prevention, Intervention, and Education (PIE) Team will likely assist in this determination.

## Status of Conduct Proceedings

If the student has been accused of a violation of the Code of Student Conduct, but it appears that the student is not capable of understanding the nature or inappropriateness of the action, this policy may be activated prior to issuance of a determination in the conduct process. Interim suspension for threat of harm to others will also likely be imposed.

If the student is placed on medical leave from the College, or another action is taken under these provisions following a finding that the student's behavior was the result of a lack of capacity, such action terminates the pending conduct action. If the student is found not to be subject to medical leave, conduct proceedings may be reinstated.

## Referral for Assessment or Evaluation

The appropriate official (or PIE) may refer or mandate a student for evaluation by a campus or independent licensed psychiatrist or psychologist (or licensed professional counselor; social worker; licensed clinical social worker, etc.) chosen or approved by the College. Such evaluation may be appropriate if it is believed that the student may meet the criteria set forth in this policy or if a student subject to conduct proceedings provides notification that information concerning a mental health/behavioral condition or disorder will be introduced. Any expense incurred in meeting these conditions must be borne by the student personally, barring exigent circumstances.

Students referred or mandated for evaluation will be so informed in writing in person and/or certified mail delivery, and will be given a copy of these standards and procedures. Their parents/guardians or designated emergency contacts may also be notified. The evaluation must be completed per the direction of the referral letter, unless the Assistant Dean for Student Development (or designee) grants an extension. A student who fails to complete the evaluation in accordance with these standards and procedures, and/or who fails to give permission for the results to be shared with appropriate administrators, will be referred for conduct action for "Failure to Comply" under the Code of Student Conduct.

## Readmission Following a Voluntary or Involuntary Medical/Psychological Leave

A student who is seeking reinstatement to the College after a voluntary or involuntary leave must receive clearance by providing the Vice President for Student Engagement and Success written evidence from a licensed medical or mental health professional that the student is no longer a direct threat to others and is otherwise qualified to participate in the College's educational programs. Any other conditions outlined in accordance with this policy and/or any conduct sanctions must also be completed. A hearing, as outlined above, may be held to determine whether it is more likely than not that the student is no longer a direct threat.