



# Bethany

*A Small College of National Distinction*

## POLICY MANUAL VOLUME 7.1

# **Student Code of Conduct**

*Approved by the Bethany College Board of Trustees*

*May 7, 2021*

**Policy dictates that the Officers of Bethany College are:**

**President of the College  
Provost and Dean of Faculty  
Chief Financial Officer  
Chief Advancement Officer**

**Specific titles for the latter three may vary according to organizational structure. For the purpose of Bethany College policy documents for the 2021-2022 academic year, the Chief Academic Officer is the Provost and Dean of Faculty; the Chief Financial Officer is the Vice President for Finance; and, the Chief Advancement Officer is the Vice President for Institutional Advancement and Alumni Affairs. Titles for these three positions may change at the discretion of the President of the College.**

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**Volume 7.1**  
**Student Code of Conduct**

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## Volume 7.1 Student Code of Conduct

*Nothing in this Volume 7.1 – Student Code of Conduct policy is intended to change or alter the provisions included in the College’s Title IX Sexual Harassment Policy. For a full discussion concerning Title IX Sexual Harassment, please see Bethany College’s [Title IX Sexual Harassment Policy](#).*

### I. General

#### A. Purpose

To establish written rules, regulations, and procedures concerning student conduct and discipline for Bethany College (“College”).

#### B. Scope

This policy applies to all students associated with Bethany College under the authority of the Bethany College Board of Trustees.

### II. Introduction

Bethany College is committed to fostering a campus environment that is conducive to academic discourse. As such, the student conduct policies strive to balance the interests of individuals with the interests of the College community. Upon admission to Bethany College, students are expected to uphold and abide by certain standards of conduct that form the basis for the Student Code of Conduct. These standards are embodied within a set of core values that include integrity, justice, respect, respect for community, and responsibility. Whether on campus property, in the surrounding neighborhood, at registered college events, or in limited off-campus circumstances, when members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to hold the student accountable for their actions and to uphold the integrity of the Code of Conduct that governs the community.

Bethany College students are both members of the College community and of society, and as such, may enjoy many of the same freedoms and rights of citizens. Students are also expected to adhere to federal, state, and local laws, as well as show courtesy and respect when interacting with other community members, including faculty, staff, and other students. Students who incur penalties prescribed by outside authorities may be subject to further corrective actions by the student conduct process when there are distinct and clear College community interests involved. Engaging in criminal activity while off campus property may be a sufficient reason for instituting a student conduct process, which could result in the termination of the student’s attendance at the College or for denying a student admission or readmission to the College.

Students should be aware that the student conduct process is different from criminal and civil

court procedures. Procedures and rights in the student conduct process are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. The student conduct process, as defined within this policy, assures written notice and a hearing by an objective decision-maker. No student will be found in violation of College policy without information showing that it is more likely than not that a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and may take into consideration prior violations of this Policy.

Alleged violations of federal, state, and local laws may be investigated and addressed under the Student Code of Conduct. A student may face both legal charges as well as student conduct charges arising from the same incident. In these circumstances, the College will decide whether to proceed with its disciplinary process or to defer action. Dispositions will not be subject to change because of the positive resolutions of criminal charges arising out of the same facts. The College community should not be considered as an institution that provides its members legal immunity.

The student conduct process at the Bethany College is not intended to punish students; it exists to protect the interests of the community. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

### **III. Jurisdiction**

Students at the College are provided a copy of the Student Code of Conduct annually in the form of a link on the College website. Hard copies are available upon request from the Office of Student Life. Students are responsible for having read and abiding by the provisions of the Student Life Policy Manual. Students are also responsible for all communications delivered to their College email address. College email is the College's primary means of communication with students.

The student conduct processes outlined herein applies to the conduct of individual students, both undergraduate and graduate, including all College-affiliated student organizations. For the purposes of student conduct, the College considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the College.

The College retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated, for any misconduct that occurred prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to return and all sanctions must be satisfied prior to readmission or return. In the event of serious misconduct committed while still enrolled, but reported after the accused student has graduated, the College may invoke these procedures and should the former student be found responsible, the College may revoke that student's degree.

The Student Code of Conduct applies to behaviors that take place on the campus, at College-sponsored events and may also apply off-campus when the Director of Student Conduct and/or Dean of Students or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- a. Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/her/themselves or others;
- b. 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
- c. Any situation that is detrimental to the educational mission and/or interests of the College.

The Student Code of Conduct may be applied to behavior conducted online, via email, or other electronic media. Students should also be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not considered private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The College does not regularly search for this information and is respectful of student rights, but may take action if and when information endangering the community is brought to the attention of College officials.

The Student Code of Conduct applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. Alternatively, visitors to and guests of the College may seek resolution of violations of the Student Code of Conduct committed against them by members of the College community.

#### **IV. Prohibited Conduct**

##### **A. General**

All students of the College and, to the extent applicable, all student organizations, are expected and required to obey federal, state, and local laws, to comply with the policies of Bethany College, with institutional or campus rules and regulations, with directives issued by any College official, and to observe standards of conduct appropriate for an academic institution.

##### **B. Specific Acts**

A student and, to the extent applicable, any student organization that commits any of the following acts is subject to action by the College under this Student Code of Conduct:

- a) **Sexual Misconduct.** Please see the College's Title IX Sexual Harassment Policy for a list of definitions related to Sexual Harassment. This Student Code of Conduct may apply to sexual harassment that does not otherwise fall under the scope of the College's Title IX Sexual Harassment Policy. Including, but not

limited to:

- i. Sexual harassment that occurs outside of the United States; or
  - ii. Sexual harassment between or among students, faculty, and/or staff that occurs outside of an educational program or activity.
- b) **Prohibited Drug Related Conduct.** (1) Possessing; (2) manufacturing; (3) producing; (4) distributing; (5) selling; (6) possessing with the intent to distribute or sell; or (7) being under the influence of any illicit drug, synthetic drug, or other controlled substance. It also means (8) using any prescribed drug in a manner inconsistent with the prescription; (9) driving or operating a vehicle while under the influence of any illicit drug, synthetic drug, or other controlled substance; or (10) intentionally or recklessly inhaling, ingesting, or using in any manner inconsistent with its purpose any chemical, liquid, substance or other compound.
- c) **Prohibited alcohol related conduct.** Being a student: (1) under the age of twenty-one, who consumes or possesses alcohol; (2) who gives alcohol to a person under the age of twenty-one; (3) who drives or operates a vehicle while under the influence of alcohol; (4) who is in public or on College premises in an intoxicated condition; (5) who possess an open container of alcohol, regardless of their age, in or on any public sidewalk, street, or other place; or (6) failure of a student organization to take all necessary steps to ensure that no person under the legal drinking age is provided alcoholic beverages at a function it sponsors or within any property or transportation it owns, operates, or rents.
- d) **Impermissible Burning.** (1) Setting fire to; (2) causing a fire to be set to; or (3) aiding, inciting, enticing, or soliciting any person to set fire to furniture, vehicles, garbage, dumpsters, garbage receptacles, construction material, rubbish, debris, brush, or any other material, unless specifically permitted. “Impermissible Burning” also means contributing or adding furniture, vehicles, garbage, dumpsters, garbage receptacles, construction material, rubbish, debris, brush, or any other material to a fire that has already been set, unless specifically permitted.
- e) **Riotous Behavior and Hooliganism.** Participation in a disturbance of two or more persons acting with the common purpose to commit or incite any action that threatens, presents a danger to, or terrorizes the public. However, riotous behavior and hooliganism does not mean peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent.
- f) **Aiding, Abetting, Assisting, or Facilitating Prohibited Behavior.** To be actively associated with or actively encouraging another person or persons whose behavior



is in violation of this Student Code of Conduct, College policy, and/or the law.

- g) **Attempting or Causing Physical Harm to Another.** Attempting to commit a violent injury to another person or committing an act that places another person in reasonable apprehension of immediately receiving a violent injury. It also means intentionally making physical contact of an insulting or provoking nature with another person or intentionally causing physical harm to another person.
- h) **Misconduct at College Athletic Events, Concerts, or Other Events.** For purposes of this subsection only, “misconduct” means failing to follow event or venue rules or guidelines or interfering in any way with the athletic event, concert, or other event, including, but not limited to, throwing objects into a crowd, at another person, or onto a playing field, court, or stage, or acting in a manner that reasonably interferes with others’ enjoyment of the athletic event, concert, or other event.
- i) **Violation of Bethany College Policies, Institutional Rules and Regulations, or Campus Rules and Regulations.** Engaging in conduct that violates Bethany College policies, institutional rules and regulations, or campus rules and regulations, including any violation of published College housing and residence life rules or policies. A charge alleging a violation of a College policy, rule, or regulation shall identify the policy, rule, or regulation violated.
- j) **Violation of Federal, State, or Local Law.** Engaging in conduct that violates federal, state, or local law whether such conduct takes place on campus or off campus or whether civil or criminal penalties may also be imposed for such conduct. A violation of this provision is not predicated upon a final determination by a court of law. In other words, it is not necessary for a student to have been actually found to have violated a federal, state, or local law by a court of law in order to be disciplined under this Student Code of Conduct. It is only necessary that a student be found to have engaged in such prohibited acts by processes under the Student Code of Conduct. It is specifically noted here that the standard of proof in the Student Code of Conduct process is distinct and different from what is applied in criminal federal, state, and local law violations. A charge alleging a violation of a federal, state, or local law shall identify the federal, state, or local law violated.
- k) **Endangerment.** Engaging in conduct that endangers the health or safety of any person, or causes a reasonable person to fear for his/her/their safety or the safety of another.
- l) **Obstruction or Disruption.** Acting alone or in concert with others to unreasonably obstruct, disrupt, or interfere with a teaching, educational,

research, administrative, disciplinary, public service, other activity or public performance authorized to be held or conducted on or off campus, or the duties or actions of public safety officials. Obstruction or disruption includes, but is not limited to, (1) misconduct in the classroom or other College setting; (2) any act that interrupts, modifies, or damages the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions; (3) any act that damages or interferes with a utility service or equipment, such as communication service or equipment, College computers, computer programs, computer records or computer networks accessible through the College's computer resources; or (4) any action of a student that fails to comply with lawful directions of College officials or law enforcement officers acting in the performance of their duties.

- m) **Indecent Exposure.** Exposure of the private or intimate parts of the body in public or in private premises when such exposure may be readily observed by others without consent.
- n) **Obscene Conduct.** Conduct that the average individual applying contemporary College standards would find (i) taken as a whole, appeals to the prurient interest, is intended to appeal to the prurient interest, or is pandered to a prurient interest; (ii) depicts or describes in a patently offensive way ultimate sexual acts, normal or perverted, actual or simulated; and (iii) the matter, taken as a whole, lacks serious literary, artistic, political or scientific value.
- o) **Theft.** The taking of possession of the property of another without consent.
- p) **Damage, vandalism, or misuse of property.**
- q) **Prohibited Computer or Electronic Activity.** (1) Unauthorized entry into a file to use, read, change the contents, or other purpose; (2) unauthorized transfer of a file; (3) unauthorized use of another individual's identification and password; (4) use of a computer or other electronic device to unreasonably interfere with the work of another student, faculty member, or College official; (5) use of a computer or other electronic device to send obscene or abusive messages; (6) use of a computer or other electronic device to unreasonably interfere with the normal operation of the College's network; and/or (7) use of a computer or other electronic device in violation of copyright laws.
- r) **Tampering with Emergency Response Equipment.** Interfering with or unnecessarily using a fire-alarm system, sprinklers, smoke detectors, fire-fighting equipment, or any other public safety or emergency call device.
- s) **Making False Reports.** Reporting an emergency, crime, fire, or that a bomb or

other explosive has been placed on premises when knowing such a report is wrong or inaccurate.

- t) **Hazing.** Any action or situation which (1) endangers or adversely affects the mental or physical health or safety of another person or persons; (2) would cause extreme embarrassment or adversely affect the dignity of another person or persons; or (3) causes another person or persons to destroy or remove public or private property. This includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, alcohol, drug or other substance, any activity which would subject an individual or individuals to extreme mental stress, such as sleep deprivation or forced exclusion from social contact. Hazing with or without the consent of a student is prohibited. Initiations or activities of student organizations are prohibited from including any feature that is dangerous, harmful, or degrading to the student. A violation of this prohibition renders both the organization and participating individuals subject to discipline. Any student who knowingly witnesses or acquiesces in the presence of hazing is also subject to discipline.
  
- u) **Harassment.** Conduct that creates a Hostile Environment and is based upon an individual's race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, or genetic information.
  
- v) **Discrimination.** Conduct that is based upon an individual's race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression and excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a College program or activity.
  
- w) **Retaliation.** To take an adverse action against an individual or subject an individual to conduct that has the purpose or effect of unreasonably interfering with that individual's educational experience, work or academic performance, or creates an educational experience or academic or work environment that a reasonable person would find intimidating or hostile because of something that individual did.
  
- x) **Academic Dishonesty.** Refers to plagiarism; cheating and dishonest practices in connection with examinations, papers, and/or projects; and forgery,

misrepresentation, or fraud as it relates to academic or educational matters.

- i. The term “plagiarism” means the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment, including, but not limited to, the unacknowledged use of materials prepared by another individual engaged in the selling of term papers or other academic materials.
  - ii. The terms “cheating and dishonest practices in connection with examinations, papers, and/or projects” means (i) giving or receiving of any unauthorized assistance in taking quizzes, tests, examinations, or any other assignment for a grade; (ii) depending upon the aid of sources beyond those authorized by the instructor in quizzes, tests, examinations, writing papers, preparing reports, solving problems, or carrying out other assignments; (iii) the acquisition or use, without permission, of tests or other academic material belonging to a member of the College faculty or staff; or (iv) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
  - iii. The terms “forgery, misrepresentation, or fraud as it relates to academic or educational matters” means (i) wrongfully altering, or causing to be altered, the record of any grade or other educational record; (ii) use of College documents or instruments of identification with the intent to defraud; (iii) presenting false data or information or intentionally misrepresenting one’s records for admission, registration, or withdrawal from the College or from a College course; (iv) knowingly presenting false data or information or intentionally misrepresenting one’s records for personal gain; (v) knowingly furnishing the results of research projects or experiments for the inclusion in another’s work without proper citation; or (vi) knowingly furnishing false statements in any College academic proceeding.
- y) **Tampering with or Falsifying a Record.** Altering or assisting in the altering of any education record or record of the College, or submitting false information or omitting requested information that is required for or related to an application for admission, the awarding of a degree, or any record of the College. This conduct may result in a prohibition against readmission, revocation of degree, and/or withdrawal of diploma.
- z) **Intrusion of Privacy.** Unreasonably invading the private domain or seclusion of another by any means, including observation, videotaping, audio taping, photographing, or capturing the actions, image, audio, or likeness of any other member of the College community without permission or knowledge, when such member of the College community has a reasonable expectation of privacy.

- aa) **Possession of Deadly Weapons or Destructive Devices.** Possessing or using any type of deadly weapon, firearm, imitation firearm, ammunition, explosive, firework, dangerous chemical, or other destructive device while on College premises.
- i. “Firearm” means any item which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
  - ii. “Deadly weapon” means any device, instrument, material, substance, or object, whether animate or inanimate, designed to be used to produce serious bodily injury or death or is readily adaptable to such use.
  - iii. This provision does not apply to those individuals specifically permitted by College policy or procedure to possess such items.
  - iv. This provision also applies is intended to include replicas of firearms and deadly weapons, as well.
- bb) **Unauthorized Entry or Use.** To enter or remain without consent or lawful purpose in any building, room, structure, facility, vehicle, construction area, roof top, or other premises.
- cc) **Unauthorized Use of Keys or Other Access Devices.** To possess, duplicate, or use a key or other access device, including an electronic keycard or other device used to grant access, to any building, room, structure, facility, vehicle, construction area, roof top, or other related premises without proper authorization.
- dd) **Attempting to Engage in an Act Prohibited by the Student Code of Conduct.** An “attempt” is defined as conduct that, if successful, would constitute or result in the prohibited conduct. Any student who abandons an attempt or prevents the prohibited conduct from occurring under circumstances that demonstrate a complete and voluntary renunciation of the prohibited conduct will not be subject to disciplinary action.
- ee) **Deceptive Organizational Practices.** (1) fraudulently or improperly holding out an organization as being recognized by the College when in fact the organization is not officially recognized by the Office of Student Life and has not followed the applicable recognition requirements; (2) any behavior that utilizes deception to mislead any student regarding the organization; or (3) failing to utilize organization funds or dues consistent with the purpose in which those funds or dues were collected.

ff) **Abuse of the Campus Student Code.** Engaging in any of the following:

- i. Failure to obey the notice from a Campus Student Code Administrator or other College official to appear for a meeting or hearing concerning violations of the Student Code of Conduct.
- ii. Falsification, distortion, or misrepresentation of information at any point in the student conduct process.
- iii. Disruption or interference with the orderly conduct of a Student Code of Conduct proceeding.
- iv. Initiating a Student Code of Conduct proceeding in bad faith.
- v. Attempting to discourage or discouraging an individual's proper participation in, or use of, Student Code of Conduct proceedings.
- vi. Retaliating against an individual because of the individual's participation in, or use of, Campus Student Code proceedings.
- vii. Attempting to influence or influencing the impartiality of a decision-maker prior to, and/or during the course of, a Student Code of Conduct proceeding.
- viii. Harassment (verbal or physical) and/or intimidation of a decision-maker prior to, and/or during the course of, a Student Code of Conduct proceeding.
- ix. Influencing or attempting to influence another person to commit an abuse or violation of the Student Code of Conduct.
- x. Failing to comply with one or more sanctions imposed under the Student Code of Conduct.
- xi. Knowingly violating the terms of a disciplinary sanction imposed in accordance with the Student Code of Conduct.

## V. Sanctions

### A. Sanctioning Guidelines

It is expected that the College will impose or seek a sanction that is fair under the circumstances. To that end, a student found responsible for a violation or violations of the Student Code of Conduct shall be subject to sanctions commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including the student's

conduct record. A student who receives a period of suspension as a disciplinary sanction is subject to further disciplinary action for prohibited conduct that takes place during the period of suspension. Sanctions available for violations of the Student Code of Conduct include, but are not limited to, any of the following:

- a) **Expulsion.** Permanent separation of the student from the College. Permanent notification will appear on the student's transcript. The student may be denied access to campus, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. If a student is expelled, the student will not receive a refund of any tuition or fees that have been paid to the College.
- b) **Suspension.** Separation of the student from the College for a specified period of time. The student may be denied access to campus and to all other College activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the Outcome Letter and bear a reasonable relationship to the violation. Suspended time will not count against any time limits for completion of a degree. If a student is suspended, the student will not receive a refund of any tuition or fees that have been paid to the College. Any student who is serving a suspension may be subject to a review and evaluation meeting prior to re-enrolling to ensure that all conditions of the suspension have been satisfied and that the student is prepared for return.
- c) **Weekend Suspension.** The student is not permitted on campus starting Friday at 5:00 pm and will be allowed to return on campus Sunday at 5:00 pm.
- d) **Deferred Suspension.** The student will be given a certain set of expectations, but any suspension will be deferred and does not go into effect as long as the student complies with all requirements during the interim period. In those cases where the student completes all expectations during the interim period, the student's record will show that the sanction was never imposed. In the event that a student fails to comply with a sanction and the Administrator has decided to seek the suspension, the student will be given written notice of the apparent failure to comply and of the intent to suspend, and provided an opportunity to be heard prior to a final decision, consistent with this policy.
- e) **Probation.** A written reprimand for prohibited conduct that specifies a designated period of time and includes the probability of more severe disciplinary sanctions if, during the designated probationary period, the student violates any applicable law or fails to comply with the policies of the Bethany College, with institutional or campus rules and regulations or with directives issued by any College official acting in the course of his or her authorized duties.

- f) **Warning.** A notice in writing to the student that the student is violating or has violated Bethany College policies, institutional rules and regulations, or the Student Code of Conduct, and that any further prohibited conduct may result in more severe disciplinary action.
- g) **Loss of Privileges.** Denial of specified privileges for a designated period of time, which might include ineligibility to hold office in any student organization, or to represent the College in any way, including, but not limited to, an athletic team.
- h) **Restitution.** Students may be required to make payment to the College or to other persons, groups, or organizations for loss, damage, or injury incurred as a result of a violation of the Student Code of Conduct. This may take the form of appropriate service and/or monetary or material replacement. Once restitution is satisfied, the student must provide documentation to the Administrator.
- i) **Revocation.** Admission to the College may be revoked for a violation of the policy if the violation was committed before the student arrives on campus. Likewise, a degree awarded from the College may be revoked for a violation of the Code if the violation was committed before the student graduates.
- j) **Confiscation of Prohibited Property.** Items whose presence is in violation of College policy will be confiscated and will become the property of the College. Prohibited items may be returned to the owner at the discretion of the Dean of Students.
- k) **College Housing Reassignment.** Reassignment to another College housing facility. Residence Life personnel will decide on the reassignment details.
- l) **College Housing Suspension.** Removal from College housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to College housing may be specified. Under this sanction, a student is required to vacate College housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Office of Student Life. This sanction may be enforced with a trespass action if deemed necessary.
- m) **College Housing Expulsion.** The student's privilege to live in, or visit, any College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- n) **No Contact Order.** Students may be issued a permanent no contact order, which is a directive to refrain from any intentional contact, whether direct or indirect, with one or more designated persons or group(s) through any means, including,



but not limited to, personal contact, e-mail, telephone, social media or third parties.

- i. It is important to note, however, that permanent or temporary No Contact Orders are available to all students, regardless of whether a student has violated College policy. No Contact Orders are protective measures, and are not inherently punitive in nature. Please refer all questions about and/or requests for No Contact Orders to the Director of Student Conduct.
  - ii. If a student receives, is granted, or is served a legal protection order (i.e. Personal Safety Order, Protection from Abuse, etc.) then he/she/they has the responsibility of informing the Office of Student Life of the existence of such order.
- o) **Other Sanctions.** Other sanctions may be imposed instead of or in addition to those specified. For example, students may be subject to dismissal from College housing for disciplinary violations which occur in the residence halls. Likewise, community service, educational classes, behavioral assessments, fines (if such fines are established by the Office of Student Life), and other work or research projects may also be assigned.

B. Attempts

Attempts to commit acts prohibited by the Student Code of Conduct may be punished to the same extent as completed violations.

C. Repeated or Aggravated Conduct

Repeated or aggravated violations of any section of this Student Code of Conduct may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.

D. Sanctions for Off-Campus Conduct

Sanctions for prohibited conduct occurring off campus will not be more severe than for similar on-campus conduct.

E. Specific Aggravating Factor

Misconduct motivated by bias, based on race, color, national origin, ancestry, age, physical or mental disability, marital or family status, pregnancy, veteran status, service in the uniformed services (as defined in state and federal law), religion, creed, sex, sexual orientation, genetic information, gender identity, or gender expression should be considered an aggravating factor for sanctioning.

## **VI. Interim Measures and Interim Suspension**

### **A. Imposition of Interim Measures**

When the alleged actions of a student threaten the operations or safety of the College, interim measures may be put into place. Interim measures are administrative directives that are intended to ensure the safety of the College and prevent a situation from escalating; they are not disciplinary in nature. Interim measures may be made at any point after a referral is received and may include, but are not limited to:

- i. Administrative directives for no contact;
- ii. Temporary or permanent re-assignment of campus housing; and/or
- iii. Restriction of access to particular areas of campus.

The Director of Student Conduct and/or the Dean of Students will make decisions on interim measures after appropriate consultation. All interim measures described above will be documented in writing and will be made on an individualized basis.

### **B. Imposition of Interim Suspension.**

The Director of Student Conduct and/or the Dean of Students may impose an interim suspension prior to a formal hearing or other disposition of allegations against a student when the Director of Student Conduct and/or Dean of Students has reasonable cause to believe that a student's presence on College premises presents:

- i. A significant risk of substantial harm to the student, other individuals, or property; and/or
- ii. An ongoing threat of disrupting the normal operations of the College.

### **C. Conditions of Interim Suspension.**

Such immediate interim disciplinary action may be taken as is appropriate under the circumstances for a time period and under those conditions as may be determined by the Director of Student Conduct and/or Dean of Students in order to ensure the safety and well-being of members of the College community or to preserve College property; to ensure the student's own physical or emotional safety and wellbeing; or to deter a threat of disruption or interference with the normal operations of the College. During an interim suspension, the suspended student may be denied access to all or some of the property owned or controlled by the College and to some or all other College activities or privileges for which the student might otherwise be eligible, provided that such restrictions are stipulated in the interim suspension notice.

**a. Procedure for Interim Suspension**

I. Notice

If the Director of Student Conduct and/or Dean of Students imposes an interim suspension, then the student will receive written confirmation of the interim suspension. The notice will state the facts and circumstances warranting the interim suspension, the conditions of the interim suspension, that an administrative hold will be placed on the student's account, and the student's review rights.

II. Review

Within three (3) academic days of the imposition of the interim suspension, the student may petition the Dean of Students or designee to review the reliability of the information concerning the alleged harm or ongoing threat. The petition for review must be in writing and may include evidence supporting the student's position that the student does not pose or no longer poses a significant risk of substantial harm to the individual, others, or property or an ongoing threat of disrupting the normal operations of the College.

III. Final Determination

If, after considering the petition for review and evidence, the Dean of Students or designee affirms the decision to interim suspend, the matter will proceed promptly to a hearing without undue delay, unless additional time is requested by the student. However, if, after considering the petition for review and evidence, the Dean of Students or designee determines that the student has established by a preponderance of the evidence that the student does not pose or no longer poses a significant risk of substantial harm to the individual, others, or property or an ongoing threat of disrupting the normal operations of the College, the interim suspension will be lifted and the matter will proceed according to the normal process, up to and through a hearing, if required.

**VII. Conduct Process**

A. Complaints or Allegations of Misconduct

Any member of the College community who believes that a violation of the Student Code of Conduct has occurred may file a complaint with the Director of Student Conduct. Complaints of student misconduct and misconduct of a student organization should be submitted to the Director of Student Conduct as soon as possible following the alleged misconduct or the date on which the individual knew or should have known of the misconduct.

Regardless of whether a formal complaint is ever filed, allegations of student misconduct, from any credible source, will be reviewed by the Director of Student Conduct, or other appropriate personnel.

No complaint or allegation of misconduct will be investigated more than one (1) year after the alleged misconduct took place or after the alleged misconduct should have been discovered, unless good cause is shown for the delay.

B. Investigation

The College or, in certain circumstances, an investigator appointed by the College, shall investigate each formal complaint or allegation of student misconduct from a credible source. The investigator may require by written or electronic request any member of the College community for a meeting for the purposes of investigating and/or discussing allegations of prohibited conduct, whether such allegations have been formally submitted or have otherwise been made known to the investigator.

If, after investigating the complaint or allegation of student misconduct, the College finds that there is a reasonable basis for the information that the accused student violated the Student Code of Conduct, then charges will be brought against the student.

Before charges are brought against a student, the Director of Student Conduct, the Accused Student, and a Complainant (if applicable) may agree to an Agreed Resolution.

If, after investigating the complaint or allegation of student misconduct, the investigator does **not** find that it is reasonable to believe that the student violated this Student Code of Conduct, then the complaint or allegation will be dismissed. In the event the complaint or allegation is dismissed, the College shall indicate the reason for the dismissal and notify the accused student in writing.

C. Notice of the Charge

If there is a reasonable basis for the information that a violation of this Student Code of Conduct has occurred, then the Director of Student Conduct shall prepare a formal written charge of alleged prohibited conduct (“Charge”).

The Charge shall be provided to any student suspected of prohibited conduct as soon as possible after the investigation is concluded.

The Charge shall be addressed to the student who allegedly violated the Student Code of Conduct (“Accused Student”) and shall include a brief outline of the facts upon which the Charge is based.

The Charge shall be delivered electronically to the Accused Student through the College's designated student e-mail system regardless of where the student resides or, if necessary, by any other means reasonably designed to ensure the Accused Student receives the Charge.

The Charge shall include written notice to the Accused Student that prior student code violations may be considered in the determination of sanctions and that the Accused Student will be provided an opportunity to address any such information.

The Charge shall identify a date and time for the Accused Student to meet with the Director of Student Conduct, or other appropriate personnel, to discuss the Student Code of Conduct, its procedures, and the remedial options available to the Accused Student, including whether the Director of Student Conduct and the Accused Student can agree on the facts and, if warranted, identify a mutually-agreeable sanction to be imposed.

D. Agreed Resolution

In all situations, including where suspension or expulsion is an available sanction, the Director of Student Conduct and the Accused Student may agree on the facts and, if warranted, identify a mutually-agreeable sanction(s) to be imposed. In such a case, the agreed upon facts and sanction(s) shall be reduced to writing, dated, and signed by the Accused Student ("Agreed Resolution").

An Agreed Resolution shall be final and not subject to any subsequent proceedings, unless the Accused Student submits a written objection to cancel the Agreed Resolution to the Director of Student Conduct within one (1) calendar day of the date it was signed. If the Accused Student objects to the Agreed Resolution and no further agreement can be reached, the matter shall proceed in accordance with this Student Code of Conduct.

E. Conduct Conference

The administrative disposition of complaints not seeking suspension or expulsion shall be handled by an informal conference between the Accused Student and the Director of Student Conduct ("Conduct Conference"). The Conduct Conference will be used for determining responsibility and a sanction(s) for matters or situations in which the alleged actions, if true, would not justify a suspension or an expulsion.

During a Conduct Conference, an Accused Student will be given an opportunity to present evidence to the Director of Student Conduct to determine whether the Accused Student is responsible for violating the Student Code of Conduct as accused.

After consideration of the evidence, the student is entitled to written notification of the outcome of the Conduct Conference ("Outcome Letter"). The Director of Student Conduct's determination of responsibility shall be based on a preponderance of the

evidence.

Each Outcome Letter shall plainly state the decision and shall plainly state the rationale for the decision. In the event that the student is found responsible for any part of the Charge, the Outcome Letter will include a brief statement of the facts relied upon by the Director of Student Conduct, the assigned sanction, and an explanation of appeal rights.

The Outcome Letter that is issued following a Conduct Conference may be appealed in accordance with Section 8 below.

F. Hearing

The Accused Student must choose how complaints seeking suspension or expulsion are adjudicated. The Accused Student may choose whether to have their case heard by the Director of Student Conduct or by a hearing panel to determine responsibility.

In matters of purely academic concern, as opposed to those involving student behavior, the Vice President for Academic Affairs and Dean of the Faculty, or designee, will have jurisdiction. Such violations include, but are not limited to, third recorded or particularly egregious instances of academic cheating, plagiarism, or interference with the academic process (see Academic Standards and Expectations of Educational Integrity in the catalog). The hearing panel shall consist of the Academic Standards Committee.

In any case, responding students will be ensured the same rights and all hearings will abide by the following conditions:

- i. Hearings will be conducted in private. Admission of any person to the hearing shall be at the discretion of the hearing body.
- ii. In hearings involving more than one Accused Student, the Administrator overseeing the particular process may, at their discretion, permit the hearings to be conducted separately or jointly.
- iii. The Accused Student and any other student participating in the conduct process, if any, may have an advisor accompany them to a hearing. The advisor must be an individual that is either a member of the faculty, staff, or a student at Bethany College. Advisors are able to participate in the proceedings consistent with the adjudicator's instructions.
- iv. The Accused Student shall have the privilege of presenting witnesses, subject to questioning. The names of the witnesses must be submitted to the Director of Student Conduct, or designee, no later than noon of the school day immediately preceding the hearing.
- v. The determination of responsibility shall be based on a preponderance of

the evidence.

- vi. There shall be a single, verbatim record, such as a tape recording, of any hearings before a hearing panel (not including deliberations) which remains the property of the College. Participants are prohibited from making their own recordings. Upon written request, an Accused Student shall be provided access only in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g (2015)) and pursuant to any other conditions for access as may be deemed necessary by the Dean of Students or his/her designee.
- vii. An Accused Student cannot be found to have violated the Student Code of Conduct solely because the student failed to appear.
- viii. In all cases, the evidence in support of the charge shall be presented and considered.
- ix. In such cases where an Accused Student fails to attend two scheduled meetings with the Director of Student Conduct to discuss the charges, an administrative hearing will be scheduled based around the student's academic schedule. If the Accused Student fails to attend after adequate notification, the administrative hearing shall occur despite the Accused Student's absence.

An administrative hearing will proceed more like a Conduct Conference, with the Director of Student Conduct serving as the hearing officer. Academic matters are not eligible for an administrative hearing.

- i. Accused Student will be given the opportunity to present all evidence and witnesses to the Director of Student Conduct.
- ii. The Director of Student Conduct shall determine whether it is more likely than not that the Accused Student violated the applicable Student Code of Conduct policy through unbiased consideration of all of the information, statements and other applicable evidence that is available at the time of the administrative hearing.

### **1. Hearing Panel Requirements**

- i. For a student behavior violation, a hearing panel shall be composed of three unbiased faculty and/or staff members.
- ii. For a matter that is purely an academic concern, the hearing panel shall be composed of the Academic Standards Committee.

- iii. At the time of the hearing, the Director of Student Conduct shall present to the hearing panel all available evidence regarding the Accused Student's alleged violation of the applicable Student Code of Conduct policy.
- iv. The Accused Student will then be given the opportunity to present all evidence and witnesses to the hearing panel.
- v. The hearing panel shall determine whether it is more likely than not that the Accused Student violated the applicable Student Code of Conduct policy through unbiased consideration of all of the information, statements and other applicable evidence that is available at the time of the hearing.

G. Deliberations

After the portion of the hearing concludes in which all pertinent information has been received, the hearing body shall privately deliberate whether the Accused Student is responsible as charged. After determining whether the student is responsible for the alleged conduct, the Accused Student shall be notified of the finding by the hearing body. In some instances, the hearing body may take matters under advisement and send written notification to an Accused Student of their decision in a timely manner.

H. Imposition of Sanctions

In the event that an Accused Student has been found "Responsible" on any charge, the hearing body may receive additional information regarding the student's academic transcript and student conduct history, request proposed sanctions from the Accused Student, and hear impact statements by both the Accused Student and victim(s) (if any). After receiving the aforementioned information, the hearing body will deliberate on the sanction(s) in private. After a sanction has been determined by the hearing body, the Accused Student shall be notified of the sanction(s) by the hearing body as soon as reasonably possible.

I. Outcome Letter

After a decision is made, the Accused Student is entitled to written notification of the outcome of the hearing ("Outcome Letter"). Each Outcome Letter shall plainly state the decision and shall plainly state the rationale for the decision. In the event that the student is found responsible for any part of the Charge, the Outcome Letter will include a brief statement of the facts relied upon by the hearing body, the assigned sanction(s), and an explanation of any appeal rights.



## VIII. Appeals

### A. Grounds for Appeal

The following are the only grounds for an appeal under this Student Code of Conduct.

1. To determine whether jurisdiction was properly asserted under this Student Code of Conduct;
2. To determine whether the underlying proceeding was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures, such that no significant prejudice to a student or the College resulted;
3. To determine whether the facts in the case were sufficient to establish that a violation of the Student Code of Conduct had occurred;
4. To determine whether the sanction(s) imposed were appropriate; and/or
5. To consider new evidence, sufficient to alter the decision or other relevant facts not brought out in the original hearing, because the person appealing did not know the evidence existed or it was unavailable at the time of the original hearing.

### B. Time Frame

Students who have violated the Student Code of Conduct, as determined by a hearing panel or a Director of Student Conduct, may appeal the decision and/or the imposed sanction within 5 school days, or if school is not in session, 5 business days, from the date that the Outcome Letter is sent. If the student does not submit an appeal within the prescribed time, the sanction(s) will be applied, no appeal will be considered, and the matter will be concluded.

Students who are the victim of an act of physical harm are generally also granted the ability to appeal the decision and/or the imposed sanction within 5 school days, or if school is not in session, 5 business days, from the date that the Outcome Letter is sent. If the student does not submit an appeal within the prescribed time, the sanction(s) will be applied, no appeal will be considered, and the matter will be concluded.

### C. Form

A written appeal and supporting documents, if any, shall be submitted to the Office of the Dean of Students for cases involving student behavior, and to the Office of the Vice President of Academic Affairs and Dean of the Faculty for cases that are purely academic in nature.

D. Status of Sanctions during the Appeal Period

Sanctions are stayed pending the appeal outcome. However, if there is a perceived danger to College property or to the College community, interim sanctions such as residence hall removal or suspension from the College may remain in place until the appeal process is complete.

E. Standard for Review

The Dean of Students or designee, shall review the record and supporting documents to consider only the following above listed grounds for appeal.

The Dean of Students or the Vice President of Academic Affairs and Dean of the Faculty, or their respective designee, shall consider the appeal and deliver a decision within fourteen (14) days of receipt of such appeal, except where adherence to such time period would be impracticable, in which case such time period shall be extended as warranted by the particular circumstances.

F. Appeal Outcomes

The Dean of Students or designee may decide any of the following:

1. Deny the appeal;
2. Modify, reduce or otherwise limit the sanction(s) imposed (more severe sanctions may not be imposed on appeal by the Dean of Students or his/her designee);
3. Direct the Director of Student Conduct to provide a new proceeding, or allow the student to have their case handled beginning at any specific stage of the Student Conduct process; and/or
4. Remand the matter to the original decision maker with specific instructions that must be carried out.

If an appeal is not upheld by the Dean of Students or Vice President of Academic Affairs and Dean of the Faculty, or their respective designee, as applicable, the matter shall be considered final and binding upon all involved.

**IX. Withholding Transcripts, Grades, and Degrees**

The Director of Student Conduct and/or Dean of Students may direct the Registrar to withhold the issuance of an official transcript, grade, diploma, certificate, or degree to an Accused Student, pending a hearing or conference, agreed resolution, and/or exhaustion of appellate rights if, in the opinion of the Director of Student Conduct and/or the Dean of Students, the best

interests of the College would be served by this action. In the event that such action is taken pending the conclusion of the proceedings, the Director of Student Conduct and/or Dean of Students shall inform the Registrar of the action within five (5) academic days of the conclusion of the proceedings and shall withdraw or continue such withholding, as is determined by the Hearing Adjudicator or in any other agreed-upon disposition.

#### **X. No Reprisal or Retaliation**

No reprisal or retaliation of any kind shall be taken by any member of the College community against any individual who asserts their rights under this Student Code of Conduct or will be subject to discipline under this Code.

#### **XI. Disclosure of Final Results**

Under certain circumstances, and pursuant to the College's Family Educational Rights and Privacy Act notification, the College may disclose the final results of student conduct proceedings. For purposes of this disclosure, "final results" means the name of the student, the basic nature of the violation the student was found to have committed, and a description and duration of any sanction imposed against the student.

Bethany College is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships and, ultimately, their future.

College policy expressly forbids possession and/or consumption of alcohol by students, employees or guests who are under the minimum legal drinking age of 21 years. Possession of drug paraphernalia and the use, manufacture, sale, or distribution of illegal drugs, whether on or off campus, by any student is also prohibited. In accordance with the Family Educational Rights and Privacy Act (FERPA), the Director of Student Conduct (or designee) reserves the right to notify the parents/guardians of students under 21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating the College alcohol and drug policy.

#### **XII. Amnesty Policy**

Student health and safety are of primary concern at Bethany College. As such, in cases of intoxication, alcohol poisoning, or other drug-related medical emergencies, Bethany encourages individuals to seek medical assistance for themselves or others.

##### **A. Amnesty Policy for Bystanders**

Any student or student organization who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs may not be held responsible for a violation of prohibited alcohol or drug related conduct only, as defined in this Code, if the student or student

organization does all of the following:

1. Remains with the person who reasonably appears to be in need of emergency medical assistance due to an overdose until such assistance is provided;
2. Identifies himself or herself, if requested by emergency medical assistance personnel, law-enforcement officers, or College officials;
3. Cooperates with and provides any relevant information requested by emergency medical assistance personnel, law-enforcement officers, or College officials needed to treat the person reasonably believed to be experiencing an overdose; and
4. Completes any additional conditions imposed on the student or student organization by the Director of Student Conduct.

#### B. Amnesty Policy for Distressed Students

If the person who reasonably appears to be experiencing an overdose from alcohol or drugs is also a student, he or she will not be held responsible for a violation of prohibited alcohol or drug related conduct, as defined in this Code, but may be required to complete additional conditions imposed by the Director of Student Conduct in order to receive amnesty.

This Policy applies only to those students who seek emergency medical assistance in connection with an alcohol or drug-related medical emergency and does not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by College officials (e.g., Campus Security, Residential Life Staff, and College Administrators).

This Medical Amnesty Policy does not excuse or protect students who repeatedly violate the College's Student Code of Conduct. In cases where repetitive violations of the College's Student Code of Conduct occur, Bethany College reserves the right to take action on a case-by-case basis regardless of the manner in which the incident was reported. Additionally, the College reserves the right to adjudicate any case in which the violations are flagrant violations of the Student Code of Conduct.

The Dean of Students, Director of Student Conduct, or their designee reserves the right to contact any student to discuss an incident whether or not the Amnesty Policy applies. In addition, Bethany College reserves the right to notify parents as per The Parental Notification Policy found above.

These amnesty provisions only apply to violations of this Student Code of Conduct. As it relates to any criminal prosecution, students should see the West Virginia Alcohol and Drug Overdose Prevention and Clemency Act, which can be found here: <http://www.legis.state.wv.us/wvcode/Code.cfm?chap=16&art=47#47>.