



Student Handbook
and Code of Conduct
2021-2022

TABLE OF CONTENTS

1. Message from the President	2
2. Message from the Dean of Students	2
3. Important Contact Information	3
4. Compliance & Accreditation	4
5. Matriculation Pledge	5
6. Newberrian Creed	5
7. Alma Mater & Fight Song	5
8. Student Services	6
9. Student Success	12
10. Student Engagement	15
11. Residence Life	19
12. College Policies and Procedures	32
13. Student Code of Conduct	49
14. Student Organization Code of Conduct	64
15. Sexual Harassment/Assault Reporting	67
16. Title IX Policies and Procedures	68
17. Academic Integrity	93

MESSAGE FROM THE PRESIDENT

Welcome (back) to Newberry College. As a small residential college, Newberry is a student-centered, liberal arts, undergraduate institution that provides a wide variety of majors and a seamless integration of learning across liberal arts and professional disciplines. In a small college such as Newberry, with a low student-to-faculty ratio, students come to know their professors on a personal basis. Our faculty, coaches, staff, and administrators take great pride in guiding you through your intellectual and personal journey toward a successful and fulfilling career. Newberry College not only provides an outstanding academic education but fosters the moral, ethical, and spiritual growth of its students as well. The Lutheran intellectual tradition of faith and reason embedded in the context of diversity and inclusivity allows us to discover innovative and creative ways to navigate through the uncertainty of uncharted waters. We will give you the opportunity to nurture a genuine curiosity to adventure into the unknown, searching for knowledge and purpose. You are a member of the Newberry College family and we are here to support you in all your endeavors. Have a great year!

Morrie Scherrens

President

A MESSAGE FROM THE DEAN OF STUDENTS

Dear Newberry Student: Welcome home to Newberry College! After a year of COVID, I look forward to an engaging and exciting 2021-22 academic year! I also look forward to seeing you around campus and you are always welcome to come visit The Offices of Student Affairs in Derrick Hall. Many activities, major events, guest speakers, intramurals, and sporting events are planned for the year, and I encourage you to get involved! This is your college experience, so get out there, try new things, and meet new people. You'll be glad you did! Please review your handbook and reference it as needed. The Student Code of Conduct, as well as several policies and procedures, were updated during the summer. It is your responsibility to be familiar with this information so please read it as soon as possible. Finally, remember that the staff and faculty here at Newberry College are committed to your success! Please let us know how we can help you achieve your goals!

My best to you,

Dr. Sandra Rouse

Dean of Students



“Life isn’t about waiting for the storm to pass... it is about learning to dance in the rain.”



IMPORTANT CONTACT INFORMATION

Academic Affairs	Holland Hall	803-321-5110
Athletics Office	O.L. Casey Center	803-321-5166
Billing Office	Holland Hall	803-321-5116
Bookstore	Kaufmann Hall	803-321-5144
Campus Pastor	Holland Hall	803-947-2052
Campus Technology	Wright Hall	803-321-5646
Center for Student Success	Wessels Library	803-321-5165
Counseling Services	Health and Counseling Center	803-321-5373
Dean of Students	Derrick Hall	803-321-5146
Financial Aid	Welcome Center	803-321-5128
Health Services	Health and Counseling Center	803-321-5373
Library Resources	Wessels Library	803-321-5229
Mail Center	Wright Hall	803-321-5150
Registrar's Office	Holland Hall	803-321-5124
Residence Life Main Office	Derrick Hall	803-321-5328
Security 24/7	Brokaw Hall	803-940-0672
Security Chief	Derrick Hall	803-321-5602
Student Engagement	Derrick Hall	803-321-5501
Tutoring and Writing Center	Wessels Library	803-321-5229

COMPLIANCE & ACCREDITATION

Newberry College is committed to equal opportunity in employment and education and does not discriminate on the basis of race, color, national origin, sex, religion, age, gender, veteran status, genetic characteristic, and disability in employment or the provision of services.

Newberry College is in compliance with Title IX of the Higher Education Act of 2008; Title VI and Title VII of the Civil Rights Act of 1964; and Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act, as amended; the Student Right-to-Know and Campus Security Act of 1990.

Newberry College is accredited by the Southern Association of College and Schools Commission on Colleges (SACSCOC) to award the Baccalaureate degree. Questions about the accreditation of Newberry College may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's website (www.sacscoc.org).

Newberry College also holds current accreditation from the Commission on Collegiate Nursing Education (CCNE) to award a Bachelor of Science in nursing; the National Association of Schools of Music (NASM); the Council for the Accreditation of Teacher Preparation (CAEP) (formerly NCATE), which is recognized by the U.S. Department of Education and the Council for Higher Education Accreditation to accredit programs for the preparation of teachers and other professional school personnel.

Accreditation compliance reports and letters of notification of accreditation status are on file in the Office of Institutional Effectiveness.

Newberry College is also a member of the Council of Independent Colleges; the American Association of Colleges for Teacher Education; the Lutheran Educational Conference of North America; the South Carolina Association of Colleges and Universities; the South Carolina Independent Colleges and Universities; and the National Collegiate Athletic Association (Division II).

For information about accreditation, please see: <https://www.newberry.edu/accreditation>.

MATRICULATION PLEDGE

"In good faith Newberry College provides me with the services of its Faculty and the use of its physical facilities and will confer a degree upon the satisfactory completion of minimum requirements. In turn, I agree, upon my admission to Newberry College, to abide by the rules and regulations announced by the College and I acknowledge myself subject to the authority and discipline of the College. I recognize a contractual relationship between the College and myself."

NEWBERRIAN CREED

As a student at Newberry College, I accept the obligations of citizenship, which include an ethical code of behavior, exemplified by the Christian mission of Newberry College.

As a Newberrian I will honor the code of honesty in my academic and social life. I will respect the rights of every member of this community as a person and a creature of God. I will connect with, and support, Newberry College as a place of open dialogue and free inquiry for all.

My signature of affirmation on this statement of citizenship means I will live and work within the Christian environment of Newberry College and will actively build this community to serve future generations. I will discourage behavior which threatens the freedom and respect of fellow citizens. And with all other citizens I vow to uphold the principles of citizenship and the heritage of Newberry College set forth here.

ALMA MATER

Though small nor rich in worldly goods,
Our Alma Mater dear,
We bless thy name, fresh crowned with fame,
In every passing year.
Oh, Newberry, we pledge to thee
Our hearts and hands this day;
Our love, our faith, our loyalty,
Hail Scarlet and the Gray.
Our love, our faith, our loyalty,
Hail Scarlet and the Gray.

When years have passed and college days
Become but memories,
Though far or near, we'll all hold dear
Thy name, thy victories.
Where'er we go, come weal or woe,
For thee we'll work and pray.
Thy loyal ones; we'll ever hail
The Scarlet and the Gray.
Thy loyal ones; we'll ever hail
The Scarlet and the Gray.

NEWBERRY COLLEGE FIGHT SONG

I'm Newberry Born,
I'm Newberry Bred,
And When I Die,
I'll Be Newberry Dead.
So Rah, Rah Newberry – Berry,
Rah Rah Newberry – Berry
Rah Newberry Rah.

STUDENT SERVICES

HEALTH AND COUNSELING SERVICES

Health and Counseling Services at Newberry College contributes to the physical, academic, emotional, and social development of students by providing quality health care for students who are physically ill, experiencing emotional or behavioral problems, and health education to promote healthy behaviors for all students. The office operates with a commitment to confidentiality, ethical behavior, health, and mental healthcare practices that reflect current research, professional standards, and adherence to the SC state code of law.

Located behind the Science and Math building, the office is staffed with a Nurse and a Licensed Counselor. Physician services are contracted with Compass Family Medicine for expanded services and allergy injections. For emergency or after-hours care, services are available through the Newberry County Memorial Hospital Emergency Room and Doctor's Care.

Forms and Insurance

Each new student is required to complete a medical history form, submit a record of immunization that includes the Meningitis A vaccine, a Tuberculosis Test within one year prior to admission, and a copy of the student's health insurance card prior to registration. Students are required to have health insurance coverage for physician services and prescriptions. Students may enroll in a plan through the National Healthcare Exchange at www.healthcare.gov or a provider of their choice.

Nurse

Students have access to medical, care free of charge, five (5) days per week 8:30am - 4:00pm - walk-in or call for an appointment at 803-321-3316 or email healthservices@newberry.edu.

Counselors

Students have access to individual and group therapy sessions on campus free of charge, five (5) days per week. All sessions are strictly confidential and provided by a professional, licensed therapist. To make an appointment, please call 803-321-5373 or email martha.dorrell@newberry.edu.

CAMPUS SECURITY

The Office of Campus Security ensures that our staff, faculty, and students live and thrive within a safe and orderly environment. Contracted with Allied Universal Security Services, our officers are commissioned by SLED bringing with them over 50 years of combined law enforcement/security experience. They are important and respected members of the College community, with the authority to act in the best interests of the College.

Contact Information

Security Office: 803-321-5600
Security Cell phone: 803-940-0672
Director of Campus Security: 803-321-5602

Patrols

Campus Security patrol the campus and answer calls on a 24-hour, 365-days-a-year basis. The primary duty of the security officers is to observe and report any suspicious activity and act as necessary to enforce all college rules, policies and procedures. On duty security officers will wear visible identifications as members of Allied Universal Security and will identify themselves by name when asked to do so. A security officer may request and record identification information of any person in the event that:

- ▶ Any person(s) posing a physical threat to him/herself or others;
- ▶ A violation of college policy is being, is about to be, or has just been committed;
- ▶ A violation of public law is being, is about to be, or has just been committed;
- ▶ The person is a likely witness to a violation of college policy or public law;
- ▶ There is reason to believe that the person is trespassing or that the person's conduct is not authorized on college property;

Securing identification information is necessary to discharge the officer's responsibilities and does not violate college policy or public law. Refusal to present identification upon request from a campus security officer or Newberry College employee is a violation of college policy.

Campus Safety Transport Service

Campus Security is available to any students who need transportation to their vehicle, residence hall, or campus building. Please allow time for the Security Officer to finish any current assignment before he/she arrives. If a student becomes ill or is injured, Campus Security will assist you as they can and/or contact the appropriate health care professionals. To contact Campus Security call 803-940-0672.

Lost and Found

All lost and found items should be turned over to security by contacting 803-940-0672 so that a security officer may meet with the student to collect the item at the security office in Brokaw Hall.

Student Safety Tips:

- ▶ Avoid carrying or keeping large sums of money on hand.
- ▶ Keep residence hall room doors locked. **DO NOT** leave room doors unlocked for roommates. If roommates do not have keys, have them wait until you arrive to unlock the door or until they can obtain their own key.
- ▶ Refrain from leaving personal belongings unattended in public areas.
- ▶ Secondary entrances to residence halls are locked and are not to be used after posted hours.
- ▶ **DO NOT PROP OPEN DOORS** as this compromises security by allowing unauthorized individuals to enter the residence halls.

Emergency Alerts

All students should sign up online to receive emergency alert message from Newberry College. Sign-up here: <https://www.getrave.com/login/newberry>.

For additional information during or after an emergency call the campus notification hotline: **1-855-622-5378**.

For local media information tune into the following:

WKDK 1240 AM Radio

WIS TV 10 - Columbia

WSPA TV 7 – Spartanburg

WYFF TV 4 - Greenville

WLTX TV 19 - Columbia

Campus Security should be notified of any problems, emergencies, or crimes on campus, and always call 911 if needed.

DINING SERVICES

Newberry College has partnered with the services of Sodexo to provide the College's Dining Services for students, faculty, staff, and the community. Your dining experience is more than great food. It is community experience centered on culinary expertise, fresh ingredients, healthy options, and a shared sense of environmental and social responsibility. Our team is committed to creating the best possible dining experience. Join us to experience the comfort, convenience, outstanding food, and inviting atmosphere designed especially for you. To learn more about our dining program visit Newberry.SodexoMyWay.com. Resident students are required to have a mail plan. Sodexo has a dietitian, nutritionist and chef on staff to accommodate your dietary needs.

Health & Wellness

Healthy eating can be hard. Mindful, an award-winning wellness program, seeks to make the healthy choice the easy choice! Developed by a team of chefs and registered dietitians, Mindful dishes feature satisfying portions of delicious foods with fewer calories. Look for the Mindful symbol when dining on campus.

Food Allergies or Dietary Needs?

A team approach led by you, our educated consumer, is the best preparation for a safe school year free of allergic reactions. We want to meet one-on-one with all of our customers who have individual dining needs to ensure that your dining experience is safe, delicious, and social.

To schedule a meeting with the Director of Dining Services to plan your options, please call (803) 321-5151.

The More You Know, The Better It Tastes

Know what the specials and new items are, their ingredients, and more – including calories and nutritional info right from your phone. Download the app BITE with the code W5KF7.

Kaufmann Dining Hall

Kaufmann Dining Hall features a wide variety of fresh food designed to satisfy everyone's appetite with food choices to rival your favorite restaurants.

- ▶ Fresh fruit and salads
- ▶ Delicious, hot, home-style entrees
- ▶ Freshly baked pizza and pasta
- ▶ Deli choices served on freshly baked breads
- ▶ New creations by our chef just for you
- ▶ Ice cream and freshly baked desserts
- ▶ Homemade soups
- ▶ And you can enjoy "all you care to eat!"

In addition, students are invited to use the declining balance dollars on their meal plans at our retail locations on campus that include Chick-fil-A, Boar's Head Deli and the Wolf Den.

Chick-fil-A

Chick-fil-A is a proven hit on the campus. You are sure to find what you are looking for from the Chick-n-minis to the famous Chick-fil-A Chicken Sandwich. Stop by for breakfast, lunch or dinner. Located in Kaufmann Hall.

Boar's Head Deli

Located in Kaufmann Hall, Boar's Head Deli features classic sandwiches and wraps, paninis, hoagies and salads made to order.

The Wolf Den

Located in the Science and Mathematics building, the Wolf Den is the convenience store on campus for all those little extras, great munchies, favorite beverages or a quick grab and go sandwiches, salads and fruit made fresh daily in the Dining Hall kitchen.

CAMPUS TECHNOLOGY SERVICES

Newberry College supports an information network that connects all campus buildings. All faculty & staff offices and all classrooms & labs in the McClurg Center, Science and Mathematics Building, Academic Skills Center, and the PE Complex, as well as all residence halls, are equipped with network connections. The entire campus, office buildings, classroom buildings, residence halls and most green space is covered by a "wireless cloud," which provides Wi-Fi connectivity for compatible laptop computers, tablets and smart phone devices. Additionally, there are computer-equipped classrooms in Room 107 of the McClurg Center, second floor of the Alumni Music Center, Wessel's Library and the Center for Student Success. The Office of Campus Technology (OCT) is housed in the Darrow House and is the principal planning, supervisory, consultation, and support office for all forms of electronic technology on campus. Help desk services are available.

Network Accounts

All faculty, staff, and students are provided with a network account upon entering Newberry College. All accounts have unique user names and passwords, to access the Newberry College campus network. All accounts are created and maintained by the Office of Campus Technology. New students will receive their account information before or during orientation.

All students have access to Microsoft 365. This platform gives electronic access to Word, Excel, and Power Point, as well as OneDrive, a cloud storage space.

Wolf Den, Email, Printing & Provided Software Applications

Each student is assigned a Newberry College email during the admissions process. Newberry College email is the main method of college communication. Faculty, staff, and students at Newberry College routinely communicate with each other via "Wolf Den" (intranet portal) and college email, accessed from within Wolf Den. Third-party email (e.g. Gmail, Yahoo, AOL, etc.) is not supported. In addition to communicating with faculty & staff, college email can be used for communicating with fellow students as well as family and friends. Faculty, staff, and students at Newberry College also communicate with each other via "Wolf Den". Wolfden is the College's

learning management system. All course materials including syllabi and course grades are posted in WolfDen.

Third-party email (e.g. Gmail, Yahoo, AOL, etc.) is available, but not supported. All students are provided with a Wolf Den account, including user ID and password, during the enrollment process. Wolf Den is both a website, accessible on any internet-capable computer, and as a mobile app, accessible on tablets and smart phones running Apple or Android operating systems. Students are encouraged to log in to Wolf Den at least daily to communicate with their instructors and to keep up with important information regarding student housing, financial aid, course registration, and important meetings that may require attendance, etc.

Students are provided with wireless printing from compatible laptops, tablets and smart phones from most locations on campus (covered by the wireless cloud). Information about how to use this facility, including applicable restrictions, can be found under the Technology tab in Wolf Den.

Policy for Responsible Use of Campus Technology and Anti-Piracy for Newberry College Students

Newberry College provides computing, information, and communications resources for its students to support their learning and research. Access to these resources is a privilege and requires adherence to this Campus Technology Policy as well as to other College policies, including in the Newberry College Student Handbook. Users of the College's technology resources are bound not only by College policy, but also by all laws and regulations that are specific to computing, telecommunications, and networks, as well as by all other international, federal, state, and local regulations and statutes that apply.

This Policy applies to all use of the College's computing, information, and communications, resources, whether administered by the Office of Campus Technology, departments, or off-campus units that connect remotely to the College's network and operate under the auspices of Newberry College. Privately owned equipment, while connected to the College network, is subject to the same policies as College owned equipment.

Responsibility for the use of the College's computing, information, and communications resources by minors (persons under 18 years of age) rests with their parents or legal guardians.

Regulations for Responsible Use of Information Technology

Students must abide by the terms of copyright laws, software licensing agreements, and contracts that pertain to the College's computing, information, and communications resources. Reproduction or distribution of copyrighted works, including, but not limited to, images, video, text, audio or software, without permission of the owner may be an infringement of the U.S. Copyright Law.

The College's technology resources are intended to be used to fulfill the College's mission. Use of any of the College's technology resources for personal profit or gain or for commercial purposes is prohibited.

Students must be considerate in the use of shared resources and not perform acts that are wasteful of computing resources or that unfairly monopolize resources. Examples include but are not limited to junk mail, chain letters, and games, creating unnecessary network traffic, or printing an excessive number of copies of any documents such as resumes, theses, and dissertations.

Students may not access, send or store any messages and/or material that is found to be fraudulent, harassing, or in violation of any local, state, federal, international law.

Students are responsible for the security of their computer accounts, including the changing of passwords on a regular basis. Students are also responsible for all activities that originate from their accounts. Computer accounts are College property and are deactivated according to Newberry College policies and procedures.

Allowing another individual to use one's computer account and/or password is strictly prohibited.

Students may not attempt to access another user's electronic communications, nor may they read, copy, change or delete another user's files and software.

Use of the campus network to gain unauthorized access to any computer account of the computer system, to attempt to bypass data protection schemes, to uncover a security loophole, or to mask the identity of a computer account or machine is prohibited.

Although the College respects the privacy of an individual's electronic communications, students should be aware that files and mail messages are not guaranteed to be private or secure. Files and messages may be viewed in the course of routine management of computing, telecommunications, and network services. In the event of a security breach, suspected illegal activity, or suspected violation of College policy, files and/or mail may be accessed by authorized personnel.

Students may not deliberately perform an act that will interfere with the normal operations of computers, terminals, peripherals, or network. This includes but is not limited to, tampering with any component of a local area network (LAN), Intranet, or wide area network (WAN), blocking communication lines or interfering with the operational readiness of a computer.

Students may not install, run, or give to another user a program that is intended to or is likely to damage a file or computer system and/or reproduce itself on College computer systems. This includes but is not limited to programs known as Trojan horses, viruses, root kits, or worms.

Software and/or information that infringes upon the rights of another or that gives unauthorized access to another computer account or system must not be placed on any College-owned computer system or computer connected to the College's network.

Enforcement of Policy:

Alleged or suspected violations of the "Policy for Responsible Use of technology – Newberry College Students" should be reported to the Office of Campus Technology (OCT) Help Desk (ext. 5646). All alleged or suspected violations will be reviewed in collaboration with the Student, Business, and Academic Affairs Offices. Abuse of technology privileges is subject to disciplinary action, which may include the loss of these privileges and other disciplinary sanctions up to and including dismissal. A student who abuses the College's computing, information, and communications resources may also be subject to civil action and/or criminal and/ or civil prosecution. Newberry College will pursue criminal and civil prosecution of violators when appropriate. Individuals will also be responsible for any financial loss to the College that results from inappropriate use of information technology resources.

* Wireless printers and/or routers are NOT allowed on the student network. The Office of Campus Technology will routinely check residence halls for routers.

** The Office of Campus Technology DOES NOT support your cable TV in your residence hall.

MAIL CENTER

Located in Wright Hall, students can send and receive mail and packages, and purchase stamps from the Post Office. Students will receive their mail box number during the first week of class and will keep the same box number throughout their career at Newberry College. Upon graduation, or if a student transfers or withdraws, they must return their mailbox key to the Mail Center and provide a forwarding address. Mail will be forwarded for six months. After this, all mail will be returned to sender.

Faculty, staff and students at Newberry College routinely communicate with each other via the mail system. Students and Student Organizations must check their mailboxes weekly. Students are responsible for complying with the information placed in their mailbox and failure to do so may result in a fine for failure to comply. An email is sent when you get a box or package. All packages must be picked up within 24 hours or they will be returned to sender. An email that says "package in your mailbox" means it is in your mailbox. Please use the first and last name that you gave the school for your email. The Mail Center is open from 8:00am-3:00pm Monday – Friday and follows the Newberry College academic calendar, and emergency alert system for closings.

STUDENT SUCCESS

CENTER FOR STUDENT SUCCESS

The Center for Student Success is in Wessels Library and is a division of Academic Affairs.

The mission of the Center for Student Success is to support each student's educational goals by offering opportunities to enrich and enhance their academic environment. This mission is reached by working individually with students to offer a personalized, one-on-one approach to assist students with their academic and time-management skills they need to be successful in the classroom. Additional and specific information can be found in Wolf Den under Educational Services. The following units comprise the Center for Student Success:

Academic Advisors

Although the responsibility rests with the student to ensure all degree requirements are met, each student is assigned an Academic Advisor to assist with planning a course of study and to give direction in both educational and career matters. The Assistant Dean of Student Success will assign each new student an advisor prior to their attendance at an orientation. Students need the approval of their academic advisor to enroll in courses or to make changes to an existing course schedule. Students are able to look up their assigned academic advisor through their WolfDen accounts. Additional information concerning academic advisor assignments for new incoming students can be obtained by calling (803) 321-5123.

Academic Support

Academic support is available to any student free of charge. Academic Success Coaches in the

Center for Student Success work collaboratively with students to monitor success indicators, such as class attendance, personal behavior, and academic performance, all with an eye toward helping students achieve their academic goals and persist to graduation. Academic Success Coaches can help students with areas such as: time management/organization, note taking, study skills, and exam preparation. The Center for Student Success staff is also available for one-on-one assistance at the request of the student or via faculty/staff referral. Additional information concerning these services may be obtained by calling (803) 321-5625.

Career Services

The Office of Career Services seeks to facilitate career development for all Newberry College students. All students begin the career exploration process early in their freshmen year. This process is initially facilitated through the use of assessments with supplemental programming designed to focus students on their strengths, interests and passions. Students are encouraged to participate in career development programs and employer events relevant to their chosen career path. Various job fairs and employer activities are scheduled throughout the year to help students obtain internships and fulltime positions. Career and professional development training is offered to all students and is designed to prepare students to articulate their skills and career goals and present themselves appropriately in social and professional situations. Students will also understand personal branding, the use of social media in job search and networking and have a well-developed marketing plan with resume and cover letter. Additional information concerning career services may be obtained by calling (803) 321-5625.

Disability Services

Newberry College provides support and assistance for all students with a diagnosed physical or learning disability, although it does not provide a special program or curriculum for students with identified disabilities. Our objective is to recognize and address the particular needs of individual students so as to enhance their opportunity for academic success.

The Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, specifies that students must formally notify the collegiate institution of their disability in order for the institution to provide reasonable accommodations. Professional documentation of the disability or disabilities must be furnished no later than two weeks prior to the desired commencement of accommodations. In addition, the legal and/or medical documentation must be current within a three-year period prior to the student's enrollment at Newberry College. All documentation, requests for information, etc., must be sent to the Disabilities Support Services Office.

The student is responsible for ensuring the required documentation is sent to the Office of Student Disabilities Services and arranging a meeting to request a formal Academic Accommodations Agreement (AAA). This agreement must be reviewed each semester at the request of the student. The Office of Student Disabilities Services will monitor each identified student's progress and interact with the student and his/her instructors, as necessary, to ensure that the College is complying with all requirements.

In addressing students with disabilities, Newberry College carefully considers students' right to privacy and handles all disabilities-related documentation and communication in a highly confidential manner. If parents of students with disabilities wish to be included in meetings and communications with the Office of Student Disabilities Services, they need to make sure their student signs the appropriate waiver, upon enrollment, as required under the Buckley

Amendment. Newberry College does not provide student disabilities-related documentation to any third parties except as required by law. All student disabilities-related documentation is destroyed when the student graduates or otherwise ceases to be enrolled at Newberry College. Additional information concerning disability services may be obtained by calling (803) 321-5227 or looking with the student's WolfDen account..

Retention

The Center for Student Success works closely with all campus departments and offices in helping students cope with barriers and roadblocks. This includes coordinating student interactions with faculty, staff and other students which ultimately help to promote student success in social and academic development. The Center for Student Success' is to provide students with the challenges and support they need to be successful in and out of the classroom.

International Students

Newberry College welcomes students from countries outside the United States. International students are valued for the great cultural resources they bring to the college community. The Office of Enrollment Management and the Center for Student Success provide support to international students throughout the admissions process and guidance on matters related to immigration compliance and academics. International students are encouraged to participate in the International Student Organization.

Diversity Education

The Office of Diversity Education is housed in the Center for Student Success and collaborates with different entities across campus. The primary purpose of this office is to support the Quality Enhancement Plan, the strategic plan, and the mission and goals of Newberry College through educational programming efforts relating to diversity.

Newberry College values all forms of diversity and believes that it enriches one's educational, personal, and social growth and experience. We also believe that diversity cannot thrive without inclusivity: therefore, in order for students to obtain future success in a global society, all must learn to interact positively in a diverse and engaging environment.

In an effort to support inclusivity, Newberry College has implemented the C.A.R.D. Ally Program "Campus Alliance for Respect and Diversity." The intent of the program is to provide an environment where ALL individuals feel safe, respected, and free to voice their problems and/or concerns without fear of discrimination and/or judgment. The Allies are members of the campus community (faculty, staff, and students) who are ready and willing to listen in total confidence to what you have to say. Please note that individuals are required to go through a training workshop before becoming a campus ally and can then proudly display a sticker, somewhere visible to others, identifying him or herself as a trained ally. The training is strictly voluntary and is open to all interested students, faculty, and staff. If you would like to learn more about this program, please contact Dr. Peggy B. Winder at (803) 321-5161 or email at peggy.winder@newberry.edu.

First Year Experience and Freshmen Mentoring Program

The First Year Experience (FYE) is a partnership between the Center for Student Success and Student Affairs. First year students will examine the values and goals the college celebrates as well as their own, develop and improve their academic skills, assimilate into the Newberry College Com-munity, and engage as a citizen with the local community and world. In addition

to classroom experiences, Residence Advisors Alpha Leaders and Peer Mentors serve as guides assisting with transition and acclimation challenges and facilitating conversation about important topics.

Study Abroad

Newberry College students have the opportunity to earn academic credit towards their degree requirements for study in a foreign country for a summer, a semester, or an academic year. Newberry College is a member of a consortium offering a variety of foreign study programs and internships. Other programs are available through different universities. Normally, the cost of tuition, room, and partial board will not exceed expenses for the same period of time on the Newberry campus. State and federal aid can usually be applied to study abroad programs and numerous scholarships and grants are available to offset costs for the student. Depending on the program, courses offered abroad are taught in English or in the native language. Students interested in making the study-abroad program a part of their Newberry College experience should contact Mary Shepherd at 803-321-5270 or mary.shepherd@newberry.edu.

Summerland Honor's Program

The Summerland Honors Program serves academically-driven students from majors and disciplines across campus. Leadership, community, and continual learning shape the Honors experience. In addition to shared coursework, first-year Honors students join a Living and Learning Community, and the program offers a variety of civic, academic, and social activities.

WESSELS LIBRARY

The academic library is fundamental to all institutions of higher learning. Students conducting research at Newberry College have full access to the library's print and electronic holdings including reference and print books, scholarly journals, magazines, newspapers, and DVDs. Online databases provide up-to-date information 24/7 across all academic disciplines and are accessible through the Wessels Library website. Students are also able to request information to support their research from most academic institutions in South Carolina through PASCAL, a borrowing and delivery agreement with those colleges.

Computer workstations are provided throughout the library for student use, and wireless internet access is available throughout the facility. Students seeking the best study environment to meet their needs will find a busy Learning Commons with worktables and comfortable seating, single-student desks in the stacks, and a quiet commons area on the lower floor with quiet group study rooms as well. Experienced library staff members are available to provide direction and answers to students' questions.

STUDENT ENGAGEMENT

STUDENT ENGAGEMENT AND GREEK LIFE

The mission of the Newberry College Office of Student Engagement is to foster personal and professional growth by providing opportunities for inclusive extracurricular involvement that act

as a supplement to the liberal arts education received in the classroom.

CAMPUS LIFE

Campus engagement can be significant during your college matriculation and experience. By becoming involved in student organizations can provide beneficial resources needed to succeed in the world, help strengthen leadership skills, networking with people who share similar interests, career development, and foster positive peer relationships.

To learn more about our co-curricular opportunities, visit the Office of Student Engagement and Greek Life, Derrick Hall Room 9

STUDENT ORGANIZATIONS

Extracurricular life is not limited to Fraternities and Sororities. Newberry College offers over 50 clubs and organizations altogether to enrich your experience outside the classroom. Choose from a wide variety of religious, athletic, philanthropic, and unique interest organizations.

If you cannot find an organization that matches your interest and think it might be a club other student would enjoy, we can help you through the process of starting a new organization.

Expectations and benefits of being a registered student organization include, but are not limited to:

- ▶ Official College recognition.
- ▶ An advisor (Newberry College Faculty or Staff employee) that is solely responsible for offering continuity, leadership, and guidance to the organization.
- ▶ The right to publicize events on campus.
- ▶ Use of College facilities, when available, at no cost.
- ▶ Right to Request funds from the Student Government Association (SGA).

Disclaimers and Acknowledgments:

- ▶ Being a recognized student organization means that the college offers you official recognition and does not imply acceptance for legal or financial obligation, nor does it imply accepting liability for the actions of the organization or its members.
- ▶ "Recognition" does not necessarily imply endorsement of an organization's philosophy or activity. The college reserves the right to deny recognition to groups whose purposes or activities are opposed to the college's mission.
- ▶ Acknowledgment by the college that an organization's advisor should not be perceived to imply acceptance of responsibility, either legal or financially, for his/her actions.
- ▶ Understanding the advisor assumes full recognition that he/she is acting outside the college's role and scope of his/her position.
- ▶ Any financial or legal implications that may arise due to his/her advisor position is his/her responsibility and not that of Newberry College.

For a complete listing of student organizations, regulations, and guidelines, please refer to the

Student Life tab in Wolf Den or visit the Office of Student Engagement and Greek Life, Derrick Hall, Room 9.

STUDENT GOVERNMENT ASSOCIATION

The Student Government Association (SGA) exists to serve and represent the interests, concerns, and ideas of the Newberry College student body in association with the Division of Student Affairs. The association seeks to promote the welfare of every student and create an opportunity for students to enhance their leadership skills and help determine the policies that shape their college experience. Student Government approves all new clubs and organizations on the campus via an organizational request process.

All elected and appointed officials of the association shall be full-time students while seeking office and throughout their term in office. Specific eligibility requirements and the duties of each position are described in the association's Constitution and Bylaws. The constitution is supervised and supported through the Division of Student Affairs. Copies of these documents are available to any student upon request in the Student Government Association office and the office of Student Affairs. SGA events and activities include Monthly Forums, Scarlet & Gray Week, Senior Week, class meetings, voter registration, and yearly awards.

To learn more about the Student Government Association, please visit the SGA Office, Derrick Hall, Room 4.

GREEK LIFE

The three student-led councils work closely with advisors to provide direction to our Greek community: The National Panhellenic Conference (NPC), the Interfraternity Council (IFC), and the National Pan-Hellenic Council (NPHC). We strive to achieve a unified goal of enhancing academic excellence through value-based Greek life experience, with exemplifying core values: scholarship, leadership, service, and brotherhood/sisterhood.

Fraternities and sororities at Newberry College, all obtain new members through a variety of recruitment and membership intake events that begin the early fall and spring semesters.

- ▶ IFC Fraternities include Kappa Alpha Order, Theta Chi, and Tau Kappa Epsilon
- ▶ PC Sororities include Alpha Xi Delta, Kappa Delta, and Sigma Sigma Sigma
- ▶ NPHC Organizations include Kappa Alpha Psi Fraternity, Inc., Omega Psi Phi Fraternity, Inc., Phi Beta Sigma Fraternity, Inc., and Alpha Kappa Alpha Sorority, Inc.

College Hazing Policy

Please note that hazing is an illegal activity and is defined as "any action taken, or situations created, whether on or off fraternity premises, which recklessly or intentionally produces mental or physical discomfort, embarrassment, harassment, or ridicule." Examples of hazing include but are not limited to the use of alcohol, paddling, and the creation of excessive fatigue, scavenger hunts, public stunts, morally degrading or humiliating games and activities. Education regarding hazing is a tool in the elimination of this behavior and is provided on an on-going basis.

For more information about the recruitment processes and all our chapters, check out the Greek Recruitment Guide or visit the Office of Student Engagement and Greek Life, Derrick Hall, Room 9.

CAMPUS MINISTRIES AND CHURCH RELATIONS

Living in God's Amazing Grace!

Grace: proclaimed in worship in chapel and the gatherings of our religious organizations

Rest: provided through opportunities to relax, share in conversations, and enjoy free time

Activities: such as service projects and social events

Community: encouraged in prayer, worship, religious organizations and outreach

Education: learning about God, ourselves, and others

As you explore and grow in your faith, Campus Ministries is here to proclaim God's grace in many and various ways. We will journey together as we live in God's Amazing Grace! It is our mission to promote spiritual growth through worship, conversation, study, student leadership development, and enhanced communication across departments and programs.

Several different worship experiences, study and fellowship opportunities are offered each week for the Newberry College students and community. Regular services are held each Wednesday morning at 10:10 AM throughout the fall and spring semesters in Wiles Chapel. Occasional Sunday morning worship opportunities are held each semester to celebrate special College events. The various campus ministry student groups also share leadership opportunities in leading chapel. No meetings or classes are scheduled during this time-period in order to encourage the community to gather together for worship.

The Weber Campus Ministry Center is open for students for conversation or study, work on service projects, or talk with the Pastor. Please note that the campus Pastor is available to speak with anyone if the need arises and will always maintain confidentiality. Campus Ministry Office is located in the Weber Campus Ministry House.

MINISTRY ORGANIZATIONS AND OFFICE STAFF

Student ministry groups are open to all students, regardless of denominational affiliation (see section on student organizations for more information).

CAMPUS MINISTRY GROUPS INCLUDE:

Lutheran Student Movement (LSM) and Fellowship of Christian Athletes (FCA)

To learn more about these organizations, or about Campus Ministries in general, contact our office at 803.947.2052. Follow campus ministry on Twitter: @wolvesNministry.

RESIDENCE LIFE

RESIDENCE HALLS POLICIES AND PROCEDURES

Living in a Community

When several hundred people live and/or interact on a college campus, it is important to remember the rights of individuals and the importance of mutual respect. Policies, rules, and regulations are established for the campus community, and particularly for the residence halls, in order to help maintain an optimal living-learning environment. As members of this community, students also have the right and responsibility to question other students when aware that they are not adhering to a College policy. They are also expected to notify the appropriate authority if they have any concern for a fellow student's safety or wellbeing. Failure to follow these policies, or to report concerns, can endanger personal safety and the safety of others. In addition, students who do not follow these policies may be infringing on the rights of others.

To understand the rights and responsibilities within the residence hall community and within the Newberry College community as a whole, each student is expected to be familiar with the information in this handbook.

Understanding and Working with Residence Hall Staff and Regulations

Each residence hall is supervised by a Residence Hall Director (RHD) and houses several Resident Advisors (RAs) that live on the floors. RHDs are full-time professional staff members that work with RAs to provide assistance to students living in the residence hall. Each RHD is responsible for the leadership of an entire building(s) and for supervision of the RA staff. RHDs maintain office hours in Derrick Hall and in one of their respective residence halls.

Resident Advisors (RAs) are upper-class students who have been specially selected and trained to work with students in the residence halls at Newberry College. They are peers who live on the same hall with students and work to create a positive living-learning environment for students. Together with the help of other staff members and students, RAs work to plan educational programs, hall socials, help enforce residence hall policies, and assist in promoting positive roommate/suitemate relations.

Any student or guest of Newberry College is obligated to follow the directions of a residence hall staff member. Failure to do so may result in disciplinary action. Also, falsification or misrepresentation of self (or other information) or refusal to provide that information to residence hall staff is prohibited. Any attempt to inhibit or interfere with staff members in the performance of their duties is prohibited. A residence hall staff member has the right to enter any resident's room with or without the permission of the resident in pursuance of their official functions as a staff member.

REQUIREMENTS

Assignment Policies

Normally, only students who are officially enrolled full-time (12 hours or more) in classes at Newberry College may reside in the residence halls. If a student is enrolled for less than a full

academic load, permission may be granted by the Director of Housing and Residence Life or designee to live in the residence halls. To reside on campus during the summer months, a student must be enrolled in summer school classes at Newberry College or have prior permission from The Office of Housing and Residence Life.

Residency Requirements

All full-time Newberry College students are required to live on campus to the extent that space is available and subscribe to a meal plan. All requests to live off-campus must be approved, in advance, by the Dean of Students or designee. All students will be charged for room and board until given permission to live off campus in writing. Exceptions will be reviewed for students who:

- ▶ Live within 35 miles of Newberry College with a parent, grandparent, or spouse.
- ▶ File an appeal with the Financial Aid Committee and are granted approval
- ▶ Provide written documentation and appropriate Accommodation Request Forms from the student's licensed physician
- ▶ Are military veterans
- ▶ Are enrolled part-time
- ▶ Are student teaching or completing the final year of nursing clinicals
- ▶ Are married or living with their dependents
- ▶ Are 23 years of age or older

Age Limit

Students over the age of 23 years old will not be allowed to live on campus without the permission of the Director of Housing and Residence Life. Any student over 23 years old will be allowed to live off-campus no matter their class standing.

Medical Form

All students must complete a medical form, provide immunization records and a copy of insurance cards to be kept on file with the Director of Health and Counseling.

Dining Services

All residential students must purchase a meal plan from the options available. Students who commute may choose to purchase the commuter student meal plan. Please note that food services will not be available when the residence halls are closed during periods of vacation. Sodexo has a dietitian, nutritionist, and chef on staff to accommodate your dietary needs.

PROCEDURES

Move In/Check-Out

Completing Move-In or Check-Out procedures when living in a residence hall is the responsibility of each student and must be completed by Move In or Check-Out deadlines. Students will be notified of all move-in or check-out procedures in advance by the College. Additionally, students

are responsible for any and all damages to their assigned room that occurs while they are living within the residence hall. Pre-set charges will be placed on a student's college account if damages occur.

Room and Roommate Assignment

Signing a housing application does not guarantee a particular room or roommate. The college reserves the right to make and change all room assignments in order to fill an unoccupied space in rooms or to relocate students as deemed necessary. All room assignments are made without regards to race, creed, color, religion, national origin, or sexual orientation and room changes will not be approved on this basis. Only students assigned a room may reside there. New student residence hall assignments are made as much as possible according to the students' stated preferences for residence halls and roommates as requested on the housing application.

Residence Hall Application and Contract

All students desiring on-campus housing are required to sign the residence hall application and contract, which denotes the terms and conditions, general procedures, and policies of occupancy of the residence halls. This agreement applies for the entire academic year that the student is enrolled. This contract provides housing only during times the college is in session. Housing is limited over periods of breaks or vacations to students involved in college-sanctioned activities. Without such involvement, a student must obtain permission from the Office of Housing and Residence Life to be housed over a break. The residence halls are closed for Thanksgiving, Christmas, Spring, and Summer Breaks. (All dates are available in the academic calendar). Students approved for housing during closed break times may be move to a central building for safety and security purposes.

Cancellation or Suspension of Housing Agreement

The housing agreement may be terminated by the student if:

- ▶ Withdrawing from college.
- ▶ If academic ineligibility occurs.
- ▶ Upon completion of graduation, marriage, or other circumstances deemed by the College to be beyond the student's control.
- ▶ Documentation may be required to show cause of termination.

The housing agreement may be terminated by the College if:

- ▶ A student fails to meet all terms and conditions stated in housing agreement
- ▶ A student violates college policy.
- ▶ A student's residency poses danger to life, health, emotional or general well-being of a student or other member of the college community.
- ▶ A student's behavior is not conducive to the educational mission of the college.

Room Entry and Inspection

The College reserves the right to enter rooms, including organization rooms, for the purpose of making routine administrative and safety inspections, and when an authorized agent of the College has reasonable cause to believe:

- ▶ That an occupant may be physically harmed or endangered.

- ▶ That significant damage is being done to college property.
- ▶ That college policy or an applicable law has been or is being violated.
- ▶ That housekeeping, maintenance and/or repair is necessary.
- ▶ Vacation inspections consisting of a visual search for fire, health and policy violations.

Entry by Newberry College authorities into assigned rooms in residence halls will be divided into three categories: inspections, search and emergency.

Inspection – the entry by college officials into an occupied room in order to ascertain the general welfare of students, to determine health and safety conditions in the room, to check the physical conditions of the room, to make repairs on facilities, or to perform cleaning and janitorial operations. Inspection is not necessarily conducted in the presence of the room occupant(s).

Search – The entry by college officials into an assigned room for the purpose of (1) investigating suspected violations of campus regulations and/or city, state or federal law and (2) investigating circumstances that require immediate attention. Two college officials will conduct searches of rooms. Searches are not necessarily conducted in the presence of the room occupant(s). Searches conducted by local, state or federal police will require a valid search warrant or consent of the party whose person or property is to be searched.

Emergency – The entry by college authorities into an assigned room when there is perceived imminent danger to persons, properties or buildings. Emergency entry is not necessarily conducted in the presence of the room occupant(s).

Room Changes

The Office of Housing and Residence Life must approve all room changes. Any room changes made without permission is prohibited and will result in housing sanctions for the responsible parties. Room changes are not allowed during the first and last two weeks of the semester without special permission from the Director of Housing and Residence Life.

Roommate No Show

Residents must check into their assigned rooms by 4:00 p.m. of the first day of classes at the beginning of each semester or they will be considered a “no show” and their room reservation will be cancelled.

Consolidation Requirement

All students who occupy a double-occupancy room without an assigned roommate (super single), are required to participate in the consolidation process. These students will be notified by the Office of Housing and Residence Life of the consolidation requirement, procedures, and new room or roommate assignment. New room or roommate assignments for consolidation purposes will be determined by the Office of Housing and Residence Life. Students will be notified via their Newberry College email. Students wishing not to participate in consolidation: either not wishing to change room assignments or not wishing to receive a new roommate, must submit a written request to the Office of Housing and Residence Life for a Super Single Room (double occupancy room occupied as a single). Students wishing to reside in a Super Single at the time of consolidation will be charged a pro-rated super single room rate for the remainder of the semester or academic year.

Single Rooms

Single occupancy rooms are limited and not available in all residence halls. Single rooms will be assigned according to availability and priority and are not guaranteed. The Office of Housing and Residence Life reserves the right to convert a private room into a double occupancy room if needed. If single rooms are available, returning students will have the opportunity to request a single room during Room Selection each spring.

Community Damages/Fines

Residents of residence halls or an individual floor may be required to share the expense of repair or replacement of any property in areas commonly used by residents and their guests if the student(s) responsible for the damage cannot be determined. Charges for damages and/or cleaning will be assessed against the student(s) by the College and must be paid promptly. The College, at its sole discretion, shall make determination of the amount of such loss or damage. Failure to pay assessed fees may result in a hold on student's registration, graduation or issuance of a transcript.

Community areas include but are not limited to lobbies, study rooms, bathrooms, kitchens, hallways, stairwells and lounges. The damage to these areas will be divided among a particular hall or floor, unless person(s) responsible are identified.

Damages – Room & Furniture

The student is responsible for the condition of the room and all furnishings that are assigned to him/her and shall reimburse the College for all damage to, or loss of, these accommodations and furnishings.

Each student room is provided with certain items of furniture and furnishing as verified by a room inventory at the time of moving in. Students may not move additional college items into their rooms from public areas of the residence halls or other resident rooms, nor remove items that are placed in the room by the College. Furthermore, room furniture must be properly assembled at all times (i.e., beds cannot be stacked on dressers placed sideways, etc.) Any configurations considered dangerous, or a violation of building code will need to be changed.

At the time of vacating the room, students are responsible for making sure the room is returned to its original condition. If anything is missing or damaged, students will be charged for replacement or repair. Upon finding damages or lack of furnishings when moving into a room, residents are required to report them immediately to the appropriate Resident Advisor.

Students are responsible for maintaining the cleanliness of their rooms and for not littering the hallways of residence halls. The cost of cleaning hallways, and bathrooms, which are carelessly and excessively littered by residents, shall be charged to an individual or to the residents of the floor. (SEE COMMUNITY DAMAGES/FINES)

Lockouts

If a resident becomes locked out of their residence hall room, Campus Security should be contacted at 803-940-0672. The student's College ID must be presented to the security officer either upon or before entering the room. A student may contact security up to two (2) times per semester before a charge of \$5.00 will be assessed.

Visitation Rules and Regulations:

- ▶ Visitors not attending Newberry College must be 18 years of age (excluding immediate family members). These persons must show proof of their age by a driver's license or ID card when asked.
- ▶ All non-residents must be escorted at all times in the residence halls by their host.
- ▶ Unescorted guests will be asked to leave the hall.
- ▶ The use of designated restrooms by members of the opposite gender, for which the facility is intended, is strictly prohibited.

(SEE GUEST POLICY)

Keys

Room Keys

All residents will be issued keys to their rooms. Students, who misplace a key, should contact their RHD. If the student's key is not found, the room door lock will automatically be changed with new key(s) issued to the student and any roommates. Before a new key will be issued, the student who lost the key will be charged for the core replacement and new keys, \$50 per key.

Building Key Cards

All residence hall residents are issued access cards to their respective buildings. Due to the extra security concern that these access cards entail, special rules apply:

- ▶ Guests will not be issued keys or access cards.
- ▶ Residents assume full responsibility for the use of their room key(s) until they are returned.
- ▶ Anyone found loaning a key or access card will face sanctions for breaching college security.
- ▶ If an access card is lost, a \$25.00 fine will be imposed. Students should go to the Office of Student Affairs during business hours to have a new access card made.
- ▶ Propping of any outside entrance door is strictly prohibited and violators will be fined.

Trash Removal

- ▶ All trash should be placed in the college provided trashcans or designated trash room. Personal trash is prohibited from bathroom trash cans.
- ▶ All cardboard boxes must be broken down and placed by trashcans or in designated areas.
- ▶ End-of-Year- Dumpsters will be delivered the week of final exams. Trash must be disposed of in the dumpsters to alleviate excess trash in the residence halls. Excessive trash left in the community areas will result in a Community Fine.

EMERGENCY PROCEDURES

Emergency Procedure

If Newberry College is closed because of bad weather or other emergencies, announcements will be made on the following radio and television stations: WKDK-AM (1240), Newberry;

WVOC-AM (560), Columbia; WIS-TV (Channel 10), Columbia; www.newberry.edu, or call 321-5010. A notification will also be sent through the College's Emergency Alert Notification System. Notification will also be sent out via the Campus Notification System.

Fire Safety Equipment

Fire doors, alarms, pull stations, extinguishers and smoke detectors have been installed in all of the residence halls for the safety of all residents. Breaking, covering, tampering with, disassembling, or illegal use of any of the above-mentioned devices will result in a fine up to \$1,000.00, cost of repairs, and possible criminal charges. Any false alarm will result in a fine(s) for individual(s) involved. If it cannot be determined who pulled the alarm, then a community fine will be assessed to all residents of that residence hall. It is mandatory to evacuate a college building when a fire alarm sounds.

Fires

In case of visible flame or smoke in the building, pull the local fire alarm, and then notify the Newberry Fire Department at 911 immediately. If there is not an operable fire alarm in the building, shout "FIRE!" Secondly, if your life is not in imminent danger, contact Campus Security at 803-940-0672. It is mandatory to evacuate a college building when a fire alarm sounds.

Fire Drills

The Office of Housing and Residence Life will schedule a minimum of one announced and one unannounced fire drill each semester. The drill will be a complete exercise of the fire plan. It is mandatory to evacuate a college building when a fire alarm sounds.

Smoke Smell

If you smell smoke call 911 immediately to notify the fire department and campus security or call Newberry College Campus Security (803-940-0672), who will notify emergency service agencies. If unable to reach security, call 911 and have them contact the security officer on duty via police radio.

Bomb Threat

A bomb threat is a violation of Federal and State Laws. Anyone apprehended for such a threat can be punished by imprisonment for a maximum of nine (9) years. Full cooperation by everyone is required to stop such crimes.

Persons receiving a telephone call indicating a bomb threat should try to get as much information as possible from the person making the call. Report the threat immediately to a campus security officer. If not available, contact the Newberry Police Department at 911 to request immediate assistance.

Severe Weather

Tornado

A tornado watch is a forecast of the possibility of one or more tornadoes in a large area. Normal activities should continue but the following precautions should be taken. Upon receiving information of a tornado watch, the Dean of Students or designee will alert each staff member, and the entire campus community will be notified by Chief of Security or designee. Listen

to local radio station WKDK-AM (1240) and TV channel 10 (WIS) for updates. Also check the Newberry College website at www.newberry.edu or call 803 276-5010 and listen to the recording. A notification will also be sent through the College's Emergency Alert Notification System. Notification will also be sent out via the Campus Notification System. Go to: <https://www.getrave.com/login/newberry> to sign up for Emergency Alert Notifications.

A tornado warning indicates when a tornado has touched down in the vicinity and may be approaching. A public warning system of a steady four-minute blast on the city's emergency siren will be implemented. Additionally, the campus community will be notified by the College's Emergency Alert Notification System. All students are required to evacuate upon request by Residence Life staff or non-compliance fines will be assessed. Students should seek immediate shelter in the following areas:

Residence Halls

- ▶ Brokaw Hall – in the basement hallways
- ▶ Cromer Hall – first floor hallways in between fire doors
- ▶ Derrick Hall – basement
- ▶ Pearson Hall – first floor, in-suite bathrooms; upper floors go to first floor hallway adjacent to bathroom and elevators
- ▶ Walker Hall – first and second floor service rooms
- ▶ Kinard Hall – basement and first floor hallways
- ▶ Smeltzer Hall – first floor with the exception of lobbies
- ▶ Oakland Mill Complex – first floor hallway areas

Classroom Buildings

- ▶ Alumni Music Center – first floor hallway (DO NOT use central corridor)
- ▶ Langford Communications Center – proceed to ground floor
- ▶ MacLean Gymnasium – ground floor hallway
- ▶ McClurg Center – ground floor hallway
- ▶ Physical Education Complex – first floor front hallway
- ▶ Science and Math Building – ground floor hallway
- ▶ Wessels Library and Center for Student Success – basement level (or Center for Student Success)
- ▶ Wright Hall – against inside wall
- ▶ Keller Hall – first floor hallway, away from windows

Administrative Buildings

- ▶ Holland Hall – ground floor hallways interior away from doors
- ▶ Kaufmann Hall – hallways
- ▶ Casey Center – Storage Room (old kitchen), Women's Restroom, back offices
- ▶ Wiles Chapel – Wiles Chapel Theatre – basement
- ▶ Speers Street – Interior hallways away from exterior doors and windows

- ▶ Welcome Center – Hallways and restrooms with doors closed
- ▶ Wellness Center – Hallway-Close all doors
- ▶ Aramark Office Building – Kitchen area
- ▶ Weber House – Center of house
- ▶ Dufford House – Elevator area room and bathroom downstairs
- ▶ Darrow House – Kitchen Area
- ▶ Summerland Honors House – Center of house with doors closed
- ▶ Soccer House – Center of House

Staff and faculty will proceed with all students to these designated tornado shelter areas. Avoid areas with windows, auditoriums, gymnasiums, or other structures with open spaces.

Snow/Ice

If snow or ice is predicted please listen to local radio station WKDK-AM (1240) and TV channel 10 (WIS) for further updates. Also check the Newberry College website at www.newberry.edu or call 803 276-5010 and listen to the recording. Notification will also be sent out via the Campus Notification System. Go to: <https://www.getrave.com/login/newberry> to sign up for Emergency Alert Notifications.

POLICIES

Alcoholic Beverages/Illegal Substances

Alcoholic beverages are prohibited in Brokaw Hall, Cromer Hall, Derrick Hall, Pearson Hall, Kinard Hall, Smeltzer Hall, and Walker Hall. Beer and wine may be consumed in approved private suites where all residents are over 21 and have attended the required meetings in the Oakland Mill Complex. Alcohol is only allowed if the student is 21 years of age or older and no underage students or guests are present. Open containers are not allowed anywhere outside an individual's room. Liquor, paraphernalia including, but not limited to beer bongs, funnels, kegs, beer pong tables, empty alcohol boxes and containers, keg taps, etc. are prohibited. For more detailed information please refer to the Alcoholic Beverage and other Drugs Policy in this handbook.

Bed Bunking and Loft Policy

All beds provided in the residence halls are bunkable. Diagrams for possible room configurations will be available in Residence Life. Other configurations must be approved by your Residence Hall Director. Outside loft kits are strictly prohibited.

Bodily Fluids

Those responsible for bodily fluids inappropriately appearing in public areas of residence halls and on-campus are subject to fines and /or disciplinary action.

Candles/Incense

Candles, incense, and wax warmers with hot plates are strictly prohibited. All candles, incense, and wax warmers with hot plates will be confiscated on site.

Children/Babysitting

Students who bring children into the residence halls as guests should only do so for a minimal amount of time. Babysitting in the residence hall is prohibited. Children under the age of 18 are not allowed to stay overnight in the residence halls without written permission from the Director of Housing and Residence Life.

Cinder Blocks and Bricks

Cinder blocks and bricks are prohibited. All cinder blocks and bricks will be removed on sight and could result in a removal fee for room occupants.

Construction and Surface Attachments

Maximum care must be taken to ensure the safety of the interior of the rooms. It is recommended that Command Easy Release Strips be used for affixing items. Students may not use screws or nails in walls or furnishings. The installation of shelves, paneling and wallpaper or other architectural changes is prohibited.

Displays

In recognition of special events on campus, groups of students may obtain permission to erect hall displays or decorations. In such instances the following procedures must be followed:

- ▶ Students in consultation with the RA must develop the theme of the proposed display or decorations.
- ▶ The appropriate RHD will or will not grant permission for the display.
- ▶ The displays or decorations must be removed within 24 hours after the event.

Door Propping

Doors should remain locked and closed at all times for the safety of all residents. Propping of any outside entrance door is strictly prohibited and violators will be fined \$100.00. Community fines of \$100 per prop will be assessed to any building with propped doors if those responsible cannot be identified.

Electrical Appliances

The residence halls were built and electrically wired in accordance with the standards and use in existence at the time of construction. Students may not make any changes to the electrical system. The College will not assume any responsibility for damages to any electrical appliance, TV set, radio or other electrical device due to variations in the electric current; nor to any device connected to a college-provided service such as cable TV or the data network. Residence halls have definite limits on the capabilities of their electrical systems. Overloading these systems can present a fire and safety hazard.

The following appliances ARE NOT ALLOWED be used in student rooms:

- ▶ Halogen lamps
- ▶ Christmas lights
- ▶ Non-U/L approved appliances
- ▶ Open-faced electrical or heating appliances, including but not limited to, irons (without

automatic shut off), coffee pots, hot plates, broilers, fry daddys, space heaters, immersion heaters or toaster ovens, George Foreman type grills

- ▶ Sun lamps
- ▶ Air conditioners (excepts as provided by the College)
- ▶ Only refrigerators no larger than 1.2 to 2.0 amps or larger than 3.2 cubic feet
- ▶ Wireless routers
- ▶ Any form of extension cord

The following appliances ARE ALLOWED be used in student rooms:

- ▶ Portable television sets are permitted in student rooms.
- ▶ Radios, stereos, desk lamps, etc., are permitted provided the total electrical requirements do not exceed the capabilities of the system and equipment is kept in safe operating condition. No outside antennas are permitted.

NOTE: Persons setting, or causing to be set, a fire through use of prohibited appliances or careless use of permitted appliances will be solely responsible for any and all damages.

Extension Cords/Power Strips

The South Carolina Code states, "No extension cord can be used as permanent wiring for any device." Students must use multiple outlet power strips with built-in circuit breaker, which are U/L listed for 15 amps/120 volts (3 prongs).

Firearms/Explosives and Hunting Equipment

Individuals on the Newberry College campus are prohibited from possessing ammunition, firearms, hunting and target equipment, including but not limited to air rifles, pellet guns, paint ball guns, brass knuckles, knives, blank pistols, look-alikes, and bows and arrows. These items in any and all areas of campus, including the inside of automobiles are prohibited.

The possession or use of fireworks of any type is prohibited on the Newberry College campus and in any of its buildings. Possession or use of fireworks will subject the student to disciplinary action.

Furniture

College provided furniture is not to be removed from its assigned room. Lounge furniture is for the use of all students and is not to be removed from the lounge areas. A fine will be assessed if such furniture is found in a student's room or not in the designated lounge area. Any subsequent personal misuse of lounge furniture may result in sanctions. Any other college furniture found in a student's room may also result in sanction. Theft, or unauthorized use of property of the College is prohibited.

Students are responsible for reassembling all furniture and fixtures to their original state as found at move-in. All beds and dressers must be stacked and placed on the floor as originally found using metal pins. A fine will be assessed if the furniture is not reassembled as stated above.

Flying Objects

Drones, helicopters, and other flying objects are prohibited in and around residence halls.

Gambling

Gambling for money or for stakes representing money is prohibited on the Newberry College campus. Gambling by students will subject them to disciplinary action.

Guests

Guests of students may be housed in student rooms (with roommate's permission) for a maximum of two consecutive nights, up to eight nights per month. The Residence Hall Director must approve situations requiring additional nights in advance. This policy is designed to accommodate the occasional visitor, and not to provide temporary housing for students or non-students. Newberry's Office of Residence Life reserves the right to determine whether a resident is abusing this privilege. Students are responsible for guest's behavior, compliance with guidelines, damage, and vandalism and cleanup of residence hall areas. Any student's failure to fulfill his/her responsibilities will result in sanctions for any damage, and possible judicial action. Newberry College students are responsible for the behavior and conduct of their guests and must escort them at all times. A non-member of the Newberry community whose behavior is detrimental to the College may be declared "persona non-grate" and have his/her visiting privileges revoked. (SEE VISITATION RULES AND REGULATIONS)

Hallway Obstruction

Residence Hall hallways must remain free of all obstructions and debris. Obstructions alter the designed rated performance of a hallway or exit corridor. This includes any item, including athletic equipment, left in the hallway with the exception of college furnished garbage cans. Items left in the hallway will be removed by and disposed of by Residence Life staff.

Section 1001.2 of the Fire Code makes it unlawful to alter the capacity of a means of egress (exit) and Section 1011.2 of the same requires hallways to be continuously free of obstructions that would hamper instant use. Violations of both of these codes would constitute ordinance summonable offenses on the part of the violator.

Non-Smoking Policy

The use of all tobacco and smoking related products is prohibited in all buildings on campus including the residence halls. Students who violate the smoking policy are subject to a Smoking Fine as well as additional cleaning charges. This includes but is not limited to smokeless tobacco, e-cigarettes, vape pens, and hookahs. Tobacco products can be used only in designated areas no closer than 25 feet from any entrance to a building. Additionally, no tobacco products will be used in any vehicle transporting students to college sponsored events.

Painting

Painting of rooms, common areas, and hallways by students is prohibited. Unapproved painting will result in sanctions and subject responsible individuals to appropriate repainting charges.

Personal Property

Although precautions are taken to maintain adequate security, the College cannot assume responsibility for the loss of, or damage to, student possessions, including loss or damage due to water damage, fire, wind, electrical power surges or power outages. Students and/or parents are strongly encouraged to carry appropriate insurance to cover such loss. Students who have

concerns about the security of their belongings should report such concerns promptly to Campus Security or their RHD so that any appropriate actions can be requested.

The College does not assume any obligation or responsibility for the loss or damage to items or personal property that occur in college buildings or on college property. The College is not responsible for any items(s) that are left in the residence hall after a student has checked-out, withdrawn or taken a leave of absence from the College. All property that is left abandoned in the residence halls will be retained or disposed of at the discretion of the College.

Pets

No animals are allowed in college housing, with the exception of fish in a properly maintained aquarium of 10 gallons or less. A per diem fine of \$100 for non-compliance may be assessed. Additional cleaning charges and/or damage fees may apply. Persons with disabilities may request a reasonable accommodation for any assistance animal, including an emotional support animal if relevant and thorough medical documentation is provided.

Quiet Hours

Quiet hours for all residence halls are:

- ▶ Sunday- Thursday: 10:00pm – 8:00am
- ▶ Friday & Saturday: 12:00am (midnight) – 8:00 am.

College housing units are group living environments; it is necessary, therefore, to have respect for others' study, quiet, and sleeping needs. While quiet hours are designated as stated above, the right to reasonable quiet shall, at all times, supersede noise making. During reading day and final exams, this right to quiet is enforced 24 hours a day. Courtesy hours should be observed 24 hours a day.

Recreational Equipment

The use, possession, or storage of Hoverboards, Swagways, IO Hawks, Skywalkers, electric scooters, and similar devices, is prohibited in campus housing. Storage of equipment without batteries, motors, or electronics is permitted in the halls, however, the use of skateboards, manual scooters, skates or rollerblades, bicycles, and similar equipment is prohibited in campus housing. Prohibited items are subject to confiscation, fines, and disciplinary action.

Sales and Solicitation

Only duly constituted College auxiliary enterprises are authorized to vend merchandise on the campus. Any student or organization wishing to vend merchandise on the campus or in College buildings must obtain permission from the Assistant Dean of Students or designee. No student organization, group of students, or anyone acting for an organization or group may make contracts or other financial obligations without the written approval of the Vice President of Business Affairs. Students and student organizations are also prohibited from establishing service or other type businesses on the campus or in college buildings.

Sign Policy

Only signs approved by the Office of Student Affairs are allowed to be displayed in the residence halls. Approved signs can only be displayed in specific areas. Students should contact their RHD for sign display criteria. All signs that are not approved will be taken down and discarded.

Tattooing

Tattooing of any kind is strictly prohibited on campus and in the residence halls. Any tattooing equipment and supplies will be confiscated, and individuals will be subject to disciplinary action.

Telephone

Telephone connections are not provided in residence hall rooms.

Water Fights “Water fights” including, but not limited to, water balloons, garbage cans, snow balls, and the discharging of water guns are prohibited indoors, including the residence halls, lobbies, entrance ways and hallways.

Windows

Throwing, causing to fall, or allowing any object or substance to fall out of a window of a residence hall is dangerous, strictly prohibited, and is subject to sanctions and possible disciplinary action. Box fans must not be put in residence hall room windows without the window screen first being securely in place. Repeated violations of this requirement will result in a fine of \$25 per room/per day.

COLLEGE POLICIES AND PROCEDURES

COVID-19 Guidelines

Students are required to review and acknowledge guidelines established to mitigate the spread of COVID-19. As non-compliance puts others at risk, failure or refusal to comply with precautionary measures related to COVID-19 may result in suspension from the College without reimbursement.

Alcoholic Beverages and Other Drugs

The Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226; Final Regulations published on August 16, 1990) required all colleges in the United States to certify to the U.S. Department of Education by October 1, 1990, that they adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees.

Newberry College supports and abides by the laws of South Carolina which make the selling, serving, possessing, and consumption of alcoholic beverages to individuals under the age of 21 an illegal act. Failure to obey the law may subject the student to prosecution by law enforcement authorities, both civil and criminal. Failure to obey the law may also subject a student to judicial action on campus including but not limited to removal from the residence hall and or suspension from the college. Being under the influence of alcohol shall not excuse any student from the legal and disciplinary consequences of offensive, disorderly, or unlawful conduct.

The College encourages students to seek assistance if they find they are unable to control their consumption of alcohol, or if they find themselves dealing with problems due to their drinking. Confidential assistance is available through Health and Counseling Services.

The College commits itself to educating its constituencies regarding alcohol consumption and

its physiological, psychosocial, and behavioral effects. Therefore, in addition to the regulatory policies, the College requires each entering new student to complete the SafeColleges computer-based program as an educational tool on the effects of alcohol consumption and behavior.

The sale, serving, consumption and possession of alcoholic beverages are prohibited in all public areas of the college unless authorized as an official college event by an appropriate administrative office. This includes but is not limited to areas such as bathrooms, lounges, kitchens, hallways, lobbies, parking lots, porches, entrance areas, authorized and unauthorized tailgating locations and outdoor campus grounds.

Students Over the Age of 21

When occupants of campus residential communities are 21 years of age or older, private use for individual consumption is allowed on designated over 21 years or older floors in Oakland Mill except that kegs, beer balls, beer bong, liquor and other "common source" containers are not permitted. Alcohol use is limited to the confines of the room/suite and to those students age 21 or over. Students are allowed up to one six pack of beer per person for up to 10 people per suite. Any amount of alcohol above the limit of six beers or 1 bottle of wine per person shall be considered a "common source". Social gatherings of more than 10 people are considered parties and present a fire hazard. Any gathering of more than 10 people in a room/suite is subject to search and all non-residents of the room/suite will be required to vacate the building or return to their own room/suite.

If, at any time, students who are twenty-one or older gather in a room with students who are not twenty-one, to avoid confusion, the College expects that all persons present will abstain from drinking alcohol. Underage students present in a room where alcohol is present, whether consuming or not, will be considered to be in violation of the Alcohol Policy and subject to disciplinary sanctions. Those providing alcohol to those under the age of twenty-two are also subject to disciplinary sanctions.

Specific Guidelines for Use of Alcohol

These guidelines establish the minimum expectation of the College regarding the use of alcohol on campus. The college reserves the right to modify this policy and impose additional restrictions as deemed necessary.

- ▶ The observance of the laws of South Carolina is a matter of individual responsibility; and students are expected to accept personal accountability for any decision regarding the use of alcoholic beverages on or off campus.
- ▶ Public use or public possession, which includes any open container is prohibited on campus unless in designated tailgating locations or authorized campus events by an appropriate administrative office.
- ▶ Public intoxication and intoxicated behavior associated with it are neither appropriate nor permitted.
 - Noise associated with the use of alcohol that disturbs others either on campus or in the community will not be tolerated. Students causing the noise or present with others causing the noise are subject to disciplinary action.
 - Individuals responsible for damaged property, injury to person or endangering the health and welfare of students while under the influence of alcohol are subject to

disciplinary action and will be held responsible for the cost of repairs and/or medical treatment.

- Failure to comply with requests made by any College personnel acting in the performance of their duties, while under the influence, will result in disciplinary action.
- ▶ Bulk containers and “common sources” of alcohol are prohibited on campus.
- ▶ Students under the age of 21 years may not consume or possess any open or unopened containers of alcoholic beverages on campus or in public areas such as but not limited to bathrooms, campus parking lots, sidewalks adjacent to campus, campus grounds and buildings including hallways and classroom and residence halls.
- ▶ Collections of used alcohol bottles (trophy bottles) are not permitted in a room or suite.
- ▶ No student shall provide alcoholic beverages to another student or guest under the age of 21 years.
- ▶ Alcohol found in the possession of or in the residential community room assigned to anyone under the age of 21, whether student or guest, will be confiscated and discarded.
- ▶ Persons over 21 years of age in possession of a bulk container, “common source”, and/or serving to minors will have the alcohol confiscated and discarded. Further, alcohol will be confiscated and discarded whenever any of the rules contained in this policy are violated, regardless of the age of the individuals involved.
- ▶ Persistent offenses by any one individual may subject the offender to more serious penalties, including removal housing privileges and/or suspension from the College.
- ▶ The College holds the right to have the alcohol confiscated and discarded.
- ▶ Students are responsible for the actions of their guests while they or their guest are under the influence of alcohol. Guests are expected to abide by all policies of the College and South Carolina state law.
- ▶ Alcoholic beverage containers, empty or full, and signs, advertisements, or displays advertising alcohol, may not be visible in windows, ledges, on doors or in general public areas and spaces.
- ▶ Drinking contests or games which center on or encourage binge drinking and the abuse of alcohol on campus, and the paraphernalia associated with such contests or games (such as funnels, beer bongs and pitchers), are not permitted.
- ▶ Students should be made aware that the College may inform parents or legal guardians of incidents involving alcohol violations.
- ▶ If alcohol is found in a room and the residents of the room are not present, all residents will be held responsible until otherwise determined by college officials.
- ▶ Use and/or possession of fake identification is also not permitted on or off-campus.

Alcohol Counseling Services

Drug and alcohol counseling is available to students and employees of Newberry College off campus at:

Westview Behavioral Health Services

800 Main Street
Newberry, SC 29108
Phone: (803) 276-5690

Sanctions for Violations of Alcohol

Please refer to the College's Code of Conduct for a description of possible sanctions for any abuse of the Alcohol policy.

Athletic Drug and Alcohol Testing

The athletic department utilizes a drug-testing program to detect alcohol or illegal drug use among student athletes. Students who fail drug tests will be reported to the appropriate Student Affairs administrator. Early detection and counseling services provided by the college are incorporated into the program.

Medical Amnesty Policy

Students are encouraged to make responsible decisions and to seek medical attention in serious or life-threatening situations that result from alcohol and/or other drug abuse. Students may be hesitant to seek help in such emergencies because of fear of potential conduct and disciplinary consequences for themselves or the person in need of medical attention.

If medical attention is required, students should immediately contact professional medical personnel (911). A student who seeks emergency assistance on behalf of themselves, another student, or a friend experiencing an alcohol and/or other drug related emergency, along with the individual in distress, may not be subject to punitive sanctions for the alcohol or drug use under the Newberry College Code of Conduct. Each incident will be evaluated on an individual basis. Student-athletes may still face consequences from the Athletics Department. Students with repeated or use of more severe substances may be referred for rehabilitative or educational interventions.

Dependent on the circumstances, any amnesty from punitive sanctions for alcohol or drug use does not affect whether students may face disciplinary action for more serious violations, including but not limited to, alleged sexual misconduct, drug distribution or trafficking, or other actions which may endanger others.

Campus Solicitation

Newberry College has the duty and responsibility to maintain a safe and healthy environment conducive to its principal mission of education. At the same time, the College recognizes and respects the constitutional protection of free speech as well as the individual student's right to privacy. Accordingly, the College hereby adopts this solicitation policy for the purpose of establishing reasonable time, place and manner for campus solicitation.

Solicitation is defined as contact for the purpose of:

- ▶ Soliciting funds or sales or demonstrations that may result in sales;
- ▶ Distributing advertising or other materials;
- ▶ Compiling data for surveys, programs, or other purposes;
- ▶ Recruitment of members or support for an organization or cause;

- ▶ Providing educational information sessions (exclusive of formal Newberry College academic classes).

Solicitation activities may not substantially disrupt or materially (or significantly) interfere with the educational, administrative, contractual or operational activities of the College. Commercial speech which is false, fraudulent, or misrepresentative is not permitted. Events which are in violation of local, state, or federal law, Board of Trustees policy, or rules, regulations, and guidelines of the College are prohibited.

An event that places an undue burden on campus facilities, interferes with the use of campus facilities by other persons, disrupts normal operations, infringes on the protected rights of others, and/or has as a principal goal to incite a riot or to disrupt other activities, may be denied the privilege of using College facilities (or grounds) for solicitation.

Distribution of Literature

- ▶ Distribution of literature by College or non-College individuals or organizations is subject to the solicitation policy in order to prevent harassment of students and to maintain the campus environment.
- ▶ The posting of literature by College or non-College individuals or organizations is restricted to appropriate reserved areas of bulletin boards in College buildings and must be approved per the procedures outlined in the Student Handbook and the Office of Student Affairs.
- ▶ The posting or attachment of flyers, posters, advertisements, or announcements of any type on the external/internal sides of buildings, trees, sidewalks, light posts, parked cars, or other similar structures is prohibited.

Direct Mail Solicitation

- ▶ The College post office is responsible for providing services for faculty, staff, and students for official College business only.
- ▶ College Intra-Campus Mail Service cannot be used by faculty, staff, students, or outside businesses or organizations for advertising, campaign notices, solicitation, or for any purpose that is not determined official College business. No campus mailing list will be available for use other than for official College business. Student organizations may be contacted through the Office of Student Affairs.

Approval to solicit on the Newberry College campus shall not be granted in an arbitrary or capricious manner on the basis of the content of the proposed speech related activity. Any constitutionally protected speech will be permitted within the reasonable time, place, and manner parameters of this policy.

Eligibility

- ▶ **College Organizations and Departments** - Registered student organizations, academic units, or College departments may solicit in designated areas and under prescribed conditions as listed in the Student Handbook and the Office of Student Affairs.
- ▶ **Non-College Organizations and Individuals** - Any non-College organization or individual wishing to come on campus for the purpose of solicitation must be sponsored by a registered student organization, academic unit, or College department.

- ▶ **Employee Solicitation** - Employees of the College may not solicit for non-College sponsored activities during working time (see College Policy E.SO.704-43).
- ▶ **Solicitors and Tradesmen** - Solicitors and tradesmen, including students, faculty, or other College personnel are prohibited from entering the grounds or buildings of the College for the purpose of transacting business with students, faculty, or other College personnel, unless they have been issued a letter of permit for this purpose by the Office of Student Affairs and/or the Office of Business Affairs.

Guidelines

College Organizations and Departments

- ▶ The organization or department must complete a Reservation request and receive approval from the Associate Director of Operations.
- ▶ The Office of Student Engagement and Greek Life (or designee) must approve student fundraising activities.

Non-College Organizations or Individuals

- ▶ Non-College organizations or individuals must be sponsored by a College student organization, College Department, or academic unit. The reservation/registration procedure must be properly completed by the appropriate registered student organization, academic unit, or College department prior to the non-College group setting up on campus.
- ▶ Upon obtaining sponsorship, all other applicable guidelines must be adhered to as outlined in this policy. Questions regarding sponsorship should be directed to the Office of Student Affairs.
- ▶ The sponsoring College organization shall be responsible for ensuring that the non-College group is informed and in compliance with College policies and guidelines at all times during the registered event.
- ▶ The following additional guidelines for non-College organizations and individuals must be adhered to:
 - A member or designee from the sponsoring student organization, academic unit or College department must be present at the solicitation location at all times.
 - All advertising or “giveaways” must be in compliance with College policies.
 - No food, beverage, alcohol or illegal items may be sold.
 - The appropriate business license and sales tax remission form (if applicable) must be provided upon request; registration with the Better Business Bureau may be required.
- ▶ Non-College entities that are major sponsors of College-wide programs or services (such as Freshman Orientation), and non-College entities that provide services that are integral to an on-going College-wide function of a specific College department (such as Employment Recruiters registered with the Career Services) may be exempt from the sponsor attendant. Exceptions must be requested in advance in writing and shall be subject to the approval of the Office of Student Affairs.

Consensual Relations Policy

Newberry College is committed to maintaining an environment where the education of students is of the greatest importance. Dating, romantic, or sexual relationships between College employees and students, even if consensual, can negatively affect the educational environment for students. Power differentials, real or perceived, can diminish a student's ability to give meaningful consent to such a relationship. An employee's ability to provide College services without partiality is suspect when the employee and the student have a dating, romantic, or sexual relationship. Even when the employee and student act with intentions of integrity, others may perceive bias, partiality, or influence.

Furthermore, the dissolution of these relationships can create discord and significantly impair the normal operations of the College. For these reasons, dating, romantic, or sexual relationships between students and College employees, including relationships that occur when College is not in session or students are on leave, are prohibited.

In rare instances, it is conceivable that a College employee might have a prior dating, romantic, sexual or marital relationship with an individual who later becomes a student. It is also conceivable that a person engaged in a prior relationship with a student could apply, interview and be hired by this College. In such instances, it is the obligation of the employee to disclose that relationship or marriage to the Director of Human Resources. It is the obligation of the College leadership, via the Director of Human Resources, in consultation with appropriate academic or administrative personnel, to take the steps that he or she deems necessary to insure that the educational experience of the student, and other students in the College, is not materially affected by the dating, romantic, sexual, or marital relationship.

Employees who violate this policy are subject to disciplinary action up to and including termination of employment. Perceived violations of this policy should be reported to the Director of Human Resources.

Contract Policy

No student organization or group of students or anyone from any organization or group may make contracts or other financial obligations on behalf of the College without the written approval of the Vice President for Business Affairs. Outside vendor solicitation is prohibited.

Events

To avoid conflicts between events and to encourage attendance at worthwhile activities, the College strongly encourages that no two events (social, athletic, cultural, religious, etc.), open to students generally or to a major segment of the student body be scheduled at the same time in conflict with each other. This applies to all such events held on the campus or within the local area whether sponsored by student organizations, academic departments, administrative offices, or the athletic department. The college recognizes that some conflicts are unavoidable, but all efforts should be made to prevent them from happening.

Any preplanned organizational gathering of students or other individuals beyond a residence hall room shall be considered an event. Events may include, but are not limited to, fundraisers, meetings, and social events. This definition excludes officially sanctioned athletic events, including intramurals.

FERPA

The Family Educational Rights and Privacy Act (FERPA) of 1974 is a federal law intended to protect the privacy of students. It deals primarily with access to student records and release of information about students. Parts of the law are presented below:

The Right of Access Includes:

- ▶ The right to be provided with a list of the types of records maintained by the College and the name of the office in which the records are located.
- ▶ The rights to inspect and review those records and obtain copies of those records (normally a fee for this service is required).
- ▶ The right to a response to reasonable request for explanations and interpretations of those records.
- ▶ The right to a hearing to challenge the content of those records (providing differences cannot be resolved in an informal way).

NOTE: In the case of records that contain information about more than one student, an individual student has the right to review only that portion of the document pertaining to him/her.

Education Records Defined:

“Education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by the institution or by a party acting for the institution. The term “education records” does not include:

- ▶ Records of instructional, supervisory, administrative, and certain educational personnel, which are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual, except his/her designee.
- ▶ Records relating to a student which are created or maintained by a physician, psychiatrist, or other recognized professional or paraprofessional, to be used solely in connection with the provision of treatment to the student and not disclosed to anyone other than individuals providing such treatment, so long as the records can be personally reviewed by a physician or other appropriate professional of the student’s choice.

Release of Personally Identifiable Information:

The College may not permit access to or the release of education records or personally identifiable information contained therein, other than directory information, without the consent of the student, to any party other than the following:

- ▶ Other school officials who have legitimate educational interest.
- ▶ Officials of other schools in which the student seeks to enroll.
- ▶ Certain federal government officials.
- ▶ In connection with a student’s request for, or receipt of, financial aid.
- ▶ State and local officials authorized by state.
- ▶ Certain government and educational organizations engaged in research, providing the information is kept within the organization.

- ▶ In compliance with the judicial order or lawfully issued subpoena.
- ▶ Accrediting organizations.
- ▶ Persons in an emergency situation (see next page).
- ▶ Parents of a student, unless the student has declared his/her independence, according to Internal Revenue code of 1954, section 552.

Directory Information Defined:

Newberry College has defined directory information as follows:

- ▶ Name, date of birth, address, and telephone number.
- ▶ Dates attended the college.
- ▶ Current status (enrolled, not enrolled).
- ▶ Scholastic standing (expressed in general terms without specifying grades).
- ▶ Degrees/certificates earned.
- ▶ Major/minor programs.
- ▶ Honors received (if any).
- ▶ Program information for College-sponsored public events.

NOTE: The student has the right to restrict or limit the disclosure of any or all of the above. This must be in writing for each period of enrollment and on file in the Office of Registrar and Public Relations.

Release of Information for Health or Safety Emergency:

Information may be released from educational records to appropriate people in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student. Factors to be considered are:

- ▶ The seriousness of the threat to the health or safety of the student.
- ▶ The need for such records to meet the emergency.
- ▶ Whether the persons requesting the information are in a position to deal with the emergency.
- ▶ The extent to which time is of the essence in dealing with the emergency.

NOTE: Request for information from the records of students should be referred to the Office of the Registrar or the Office of Student Affairs as may be appropriate

Fines and Holds

The Administration, Faculty or Staff has the right to fine/sanction a student failing to follow college policies and procedures. If the student does not respond after letters, phone calls, and email attempts, the meal plan will be placed on hold. The hold will remain until the problem is resolved.

Discharging a fire extinguisher	\$1,000
Pulling a false fire alarm	\$1,000

Prank 911 call	\$150
Tampering with exit sign	\$200
Breaking a window (excluding accidents)	\$200
Entering a prohibited or closed area on campus	\$50
Door propping	\$100
Failure to follow proper check-in/out procedure	\$50
Removing furniture from lounges (per day)	\$25
Smoking in the residence halls	\$50
Failure to follow bunk bed/loft guidelines	\$25
Littering in residence halls or on College grounds	\$300
Pets in residence halls (per day)	\$100
Loss of or Failure to return a residence hall key (per key)	\$50

Identification Cards

Upon registration for the first semester of attendance at Newberry College, each student is issued an identification card. This ID card also serves as the meal card for dining services and a building access card for Residence Halls and select classroom buildings. In addition, it is required for checking materials out of the library and attendance at athletic events. Students retain the same ID number throughout their stay at Newberry College. New ID cards will not be issued each year. Students are required to carry their ID card at all times. ID cards are only to be used by the student which it is issued. A \$25.00 fee is charged for replacement of a lost, stolen, or damaged ID card. To get a replacement ID card, please go to the Office of Student Affairs in Derrick Hall, room 5. The office is open Monday through Friday from 8:00 am to 4:30 p.m.

Intellectual Property Rights

Newberry College is committed to providing an environment that supports the teaching and research activities of its faculty, students, and staff. As a matter of principle and practice, the College encourages all members of the Newberry community to publish without restriction their papers, books, and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the general public. This policy is intended to promote and encourage excellence and innovation in scholarly research and teaching by identifying and protecting the rights of the College, its faculty, staff, and students.

Copyright ownership and the rights thereto are concepts defined by federal law. College policy is structured within the context of the federal copyright law. The long-standing academic tradition that creators of works own the copyright resulting from their research, teaching, and writing is the foundation of the College's intellectual property rights policy. Exceptions to this rule may result from contractual obligations, from employment obligations, from certain uses of College facilities, or by agreement governing access to certain College resources. This policy addresses these exceptions.

The following types of material may be subject to copyright: books, journal articles, texts, bibliographies, study guides, laboratory manuals, syllabi, tests, proposals, lectures, musical or

dramatic compositions, unpublished scripts, films, film strips, charts, transparencies, and other visual aids, video and audio tapes and cassettes, live video or audio broadcasts, programmed instruction materials, and computer programs. Other material may also be subject to copyright.

It is tradition at Newberry and other colleges and universities for books, articles, and other copyrightable materials by a faculty, students or staff member to be deemed the property of the creator, who is considered to be entitled to determine how the works are to be disseminated and to keep any income they produce. This applies to books written or other material produced, on campus or off, during a term of teaching, vacation, sabbatical, or faculty fellowship, with normal use of office space, library, and computer resources, but with no other direct College assistance. In recognition of that long-standing practice, the College disclaims ownership of works by faculty, staff, and students, except in the following cases:

- ▶ **Assigned Tasks:** Ownership of copyrightable material developed as a result of assigned College duty resides with Newberry College.
- ▶ **Outside Agreements:** When copyrightable material is developed through a sponsored grant or contract, the special provisions contained in that grant or contract must prevail. In the absence of such special provisions, the normal College policy applies.
- ▶ **Significant Use of Newberry College-Administered Resources:** When the development of copyrightable materials is significantly assisted by the use of College facilities, resources, or personnel, the College is entitled to a share of any royalty income pursuant to this Policy. For these purposes, significant use is the use of resources other than those "ordinarily available" to most of all faculty, staff, or students. Such ordinarily available resources include office space, personal office equipment, office computer workstations, library and other general-use information resources, and the means of network access to such resources. Textbooks developed in conjunction with class teaching are excluded from the significant use category, unless such textbooks were developed using Newberry College-administered funds paid specifically to support textbook development. Incidental involvement of students receiving funding from the College is also excluded from the definition of "significant use."

Mass Notification Policy

When an incident occurs that may have a bearing on the present safety of the campus community, the College, will issue a timely warning notice. Timely Warning Notices are specifically related to compliance with the Federal Clery Act, which requires colleges to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated so that campus community members can protect themselves from harm. Information is sent directly to students, faculty, and staff members by use of the RAVE emergency notification system and also distributed through the college website. The community is urged to heed any advisories issued by the institution and work together in the joint effort of making the campus a safe place to live, work, and learn.

Laws and the College's conduct policies and procedures operate independently. When a crime has been committed, the College notifies the proper authorities so they may discharge their duty under the law. In such a case, the law does not substitute for Newberry College's policies and procedures and the College may pursue its own procedures for adjudicating alleged violations of the College's conduct rules independent of any legal proceedings. Campus Security reports to the Office of Student Affairs any violations of College policies and regulations.

Missing Student Policy

Newberry College takes student safety very seriously. To this end, the following policy and procedure has been developed in order to assist in locating Newberry College student(s) living in college-owned or on-campus housing, of whom based on the facts and circumstances known to the College, are determined to be missing. This policy is in compliance with Section 488 of the Higher Education Act of 2008.

Anyone who believes a student to be missing should report their concern to Campus Security or the Residence Life staff. Every report made will be followed up with an immediate investigation.

Depending on the circumstances presented to College officials, parents of a missing student will be notified. In the event that parental notification is necessary, the Dean of Students will place the call.

General Procedure:

- ▶ The Newberry College official receiving the report will collect and document the following information at the time of the report:
 - The name and relationship of the person making the report.
 - The date, time and location the suspected missing student was last seen.
 - The general routine or habits of the suspected missing student (e.g. – visiting friends who live off-campus, working a job away from campus) including any recent changes in behavior or demeanor.
 - The suspected missing student's cell phone number (if known by the reporter).
- ▶ The Newberry College official receiving the report will contact the Chief of Campus Security and the Residence Life Professional Staff Member on Call. If necessary, the Chief of Campus Security will notify the Assistant Dean of Students. The Assistant Dean of Students and the Chief of Campus Security will make the decision to contact the Dean of Students who will ascertain if/when other members of the College Leadership need to be contacted.
- ▶ Upon notification from any entity that a student may be missing, Newberry College may use any or all of the following resources to assist in locating the student.
 - Call and text the student's cell phone.
 - Send the student an email.
 - Go to the student's residence hall assigned room
 - Talk to the student's RA, roommate, and floor mates to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and location the student was last seen.
 - Utilize ID software to gather information related to the last use of their Student ID
 - Secure a current photo from the student ID data base or from a friend or family member.
 - Check all possible locations mentioned by the parties above including, but not limited to, library, Community hall lounges, student commons, fitness center, etc. Campus Security and the Office of Residence Life may be asked to assist in order to expedite

the search process

- Contact or call any other on-campus or off-campus friends or contacts that are made known. This could include checking a student's social networking sites such as Instagram, Facebook and Twitter.
 - Ascertain the student's car make, model and license plate number. A member of Campus Security will also check all college parking lots for the presence of the student's vehicle
- ▶ The Newberry College Office of Campus Technology may be asked to obtain email logs in order to determine the last login and/or access of the NC network.
- ▶ Once all information is collected and documented and the Dean of Students (or her/his designee) is consulted, the Chief of Campus Security or the Dean of Students may contact the local police to report the information. (Note: If in the course of gathering information as described above, foul play is evident or strongly indicated, the police can be contacted immediately.)
- ▶ All reports made to the Newberry Police Department of missing persons are followed up with an on-going investigation. Any College official having knowledge that a student is believed to be missing must report this to Campus Security. Missing persons are reported to NCIC (National Crime Information Center) by the Newberry Police Department if the person is not found within a reasonable time. If the person is under the age of 18 and not emancipated the parents of the student will be notified within 8 hours once the student is determined to be missing. All Campus Security Officers have a full understanding of the requirements of the College policy in regards to this type of incident.

Parking Regulations

All vehicles parked on campus must be registered. All student and faculty staff parking permits are issued by the Chief of Security. You must first register your vehicle on Wolf Den and your permit will be assigned and placed in the student's campus mailbox. Commuter students can pick up their permit at the Chief of Security's office in Derrick Hall, room 13. The faculty and staff will have theirs delivered to their locations. If you have any questions concerning parking, call the Chief of Security at 803-321-5602 or go by his office in Derrick Hall office #13.

- ▶ All parking permits will be \$120 (non-refundable) per each academic year to include summer school if needed. For December graduates or students beginning in the Spring semester, the cost will be \$60.
- ▶ All parking will be classified as student, faculty/staff, reserved, visitor and disabled parking only.
- ▶ Students may only park in white lined spaces and graveled lots with a permit..
- ▶ All students are required to have a Newberry College parking decal affixed to their vehicle to park on college property.
- ▶ All faculty/staff red spaced parking on the entire campus is 24/7/365 including nights, weekends, holidays and breaks. All others will be ticketed and towed at owner's expense. Students are not allowed to park in a red space or reserved parking space at any time.
- ▶ All faculty/staff are required to have a faculty staff decal affixed to their vehicle on the right

side lower corner of the front windshield.

- ▶ All reserved spaces are for the college officials on the signage in front of the reserved parking space 24/7/365.

Parking Services Guide

To assist in understanding the topic of parking and transportation at Newberry College, this is a review of parking policies, procedures and regulations. All regulations are subject to change at any time, without notice, as new parking issues such as construction, events, etc. may arise throughout the year. Every effort will be made to notify the campus community of any changes.

In order to be parked legally on property owned by Newberry College, you must purchase and correctly display a valid Newberry College permit. To correctly display a parking permit, the permit must be fully adhered to the outside top right hand corner of the rear window with the permit fully visible.

The college assumes no responsibility for care of, damage to, and/or protection of any vehicle or its contents at any time while it is operated or parked on campus. All vehicles should be locked when left unattended and valuables should be removed.

Parking and driving on Newberry College property are permitted in accordance with the regulations and information contained in the Parking Services Guide and the website, which are designed to maximize the use of parking space and assist in maintaining lots.

IF YOU CANNOT LOCATE A PARKING SPACE, DO NOT PARK ILLEGALLY. CALL CAMPUS SECURITY AT 803-940-0672 AND THE DUTY OFFICER WILL ASSIST YOU IN LOCATING A PLACE TO PARK.

Right to Ticket, Tow and Immobilize

Newberry College reserves the right to ticket, tow, and or immobilize any vehicle in violation of established parking regulations at the owner's expense. This includes the right to collect any fines or fees associated with the ticketing, towing and or immobilization of a vehicle. In addition, persistent violators may have their parking privileges revoked.

Vehicles with student decals parked in a red faculty/staff space will be ticketed and towed. Continued and blatant disregard for Newberry College parking regulations is unacceptable and subject to ticketing and towing. Vehicles whose owner cannot be identified or whose owner is not a current student or employee may be towed without notice at the driver's expense any time the vehicle is found parked on college property. In addition, if the operator is found to be a student, unpaid tickets will be billed to the student's account and a financial hold may be placed on the student's record until all outstanding fines are paid, thus preventing registration and access to transcripts.

Vehicles are subject to ticketing towing at any time for any of the following violations:

- ▶ Students parking in a faculty/staff space
- ▶ Failure to move a vehicle during lot closing or lot renovation
- ▶ Illegally parked in a disabled parking space
- ▶ Parking in a fire lane
- ▶ Parking in a reserved space
- ▶ Parking in a visitor space

- ▶ Parking on the grass
- ▶ Blocking flow of traffic
- ▶ Not in a parking space (white line or gravel lot)
- ▶ Vehicles not registered and displaying a current parking permit
- ▶ Others may be towed as depending on the circumstance at the time.

Quick Errands, deliveries or drop-offs are not valid excuses for parking illegally

Visitor and Temporary Parking Permits

It is the responsibility of the students, faculty and staff to make sure their visitors and guests know the visitor parking regulations and assist them in obtaining the proper permits.

All visitor parking permits for those that are visiting students, departments and officials are issued by campus security. Call campus security at 803-940-0672 to meet your visitor at the Brokaw Hall security office. Temporary parking passes will also be issued by campus security at the Brokaw Hall security office. Faculty and staff may also obtain the visitor pass for your visitor from security before they arrive on campus.

A visitor permit will be issued to the visitor with instructions where to place the permit and where to park.

Disabled Parking

Use of disabled parking spaces are restricted to those vehicles with a state-issued disabled license plate or displaying a state-issued placard. South Carolina state law requires enforcement of disabled parking spaces on a 24-hour basis, seven days a week, including holiday periods. Quick errands, deliveries or drop-offs are not valid excuses for parking in or obstructing disabled spaces. Vehicles parked in spaces designated for the disabled without this permit will be ticketed and towed by the Newberry College Campus Security.

Appeals Process

You may appeal your violation within 2 business days of the violation issue date. Grounds for appeal would be if you did not commit the violation you were charged with or in the event of an emergency. Appeals forms can be found on Wolf Den. All appeals are to be made to the Chief of Security by email at paul.whitman@newberry.edu.

Posting Regulations

Thinking about posting flyers, banners, or announcements around campus? Make sure you read and follow Newberry College's posting policy ahead of time to understand what and where marketing materials (e.g., flyers) can go around campus. All materials that do not prescribe to these requirements will be removed. The College provides bulletin strips throughout the campus for the purpose of disseminating information to members of the College community. Bulletin strips are available for posting by faculty, staff, and students, including notices from student organizations and other groups directly related to the College. Since bulletin strips are provided for meaningful communication within the College community, all notices should be relevant to faculty, staff, and students and should comply with accepted standards of good taste. 1.

1. General Statement

- a. All marketing materials are to contain:
 - i. The name of the organization that is hosting the event
 - ii. Date
 - iii. Time
 - iv. Location
 - v. Contact person or group information for the advertised event
 - b. Marketing materials may not contain any of the following:
 - i. References to Alcohol
 - ii. References to Drugs
 - iii. Racial or Discriminatory Language
 - iv. Graphics or Language of a Derogatory Sexual Nature
2. Paper Flyers
- a. Individual flyers posted on campus need to have prior approval as well as comply with the Newberry College Posting Policy. All copies of the flyers intended to be posted on campus must be submitted to the Coordinator of Media and Communications for Student Affairs for approval. If the flyers are approved, all copies will be stamped. Once the flyers have been approved, it is up to the organization to post the stamped flyers in the designated areas around campus. Flyers are allowed to be placed only on bulletin strips only and are to be posted for a maximum of two weeks. Posting must be removed within 48 hours after the event to avoid an organization fine/penalty. Penalties include but are not limited to monetary fines or not being permitted to promote future events. Penalties will be set by the Office of Student Engagement & Greek Life on a case-by-case basis. Materials that have not been approved by the Coordinator of Media and Communications for Student Affairs prior to being posted will be removed.
 - b. No items can be posted outside of the designated bulletin strips. Don't not place on columns, walls, glass surfaces or in/on trees. Please see below for approved posing locations.
3. Flyer Posting Locations
- a. Approved flyers or announcements may be posted at any time on the bulletin strips in any of the following buildings:
 - i. Kaufmann Hall
 - ii. McClurg Center for Teaching and Learning
 - iii. Wessels Library
 - iv. Science and Math Building
 - v. Physical Education Building
 - b. No flyer or announcement may be attached to any of the following, including but not limited to:
 - i. Holland Hall
 - ii. Bell Tower
 - iii. Columns/Pillars
 - iv. Automobile windshields
 - v. Walls (interior or exterior)
 - vi. Windows

- vii. Doors
 - viii. Street signs
 - ix. Poles
 - x. Trees
4. Banners and Sidewalk Chalk
- a. Sidewalk chalk displays must be approved for content and location.
 - b. Only recognized student organizations, college departments and academic units can hang banners on the campus at select times of the year. These times include Welcome Week, Formal Rush & Recruitment, Homecoming, Greek Week, Accepted Student Weekend, and Spring Fest. Request for banners can be made but will be done a case by case basis.
 - c. Banners must clearly promote the activity or event publicized and the sponsoring college organization or department as its primary message.
 - d. The standard size of an exterior banner can only be a maximum of 4' x 20' on weather-proof vinyl with reinforced grommets in each corner.
 - e. The Office of Student Engagement & Greek Life and the Facilities Department has the right at any time to order removal of any banners it deems inappropriate or unapproved. If these are not removed promptly, the Office of Student Engagement & Greek Life and/or the Facilities Department will remove them without further notice and at the cost to the party that installed it.

Student Complaints/Grievances

Any student filing a complaint or grievance must first attempt to resolve it by consulting with the involved faculty or staff member. In the event no resolution is reached, the student should bring or send the complaint or grievance, in writing, to the appropriate Officer of the College (e.g., the Executive Vice President for Academic Affairs for academic matters, the Dean of Students for student life matters, the Vice President for Administrative Affairs and Chief Financial Officer for problems with fees or business matters, or the Senior Director of Enrollment Management for financial aid concerns) or to the office of the President of the College, who will assign the complaint or grievance to the appropriate Officer.

Students who have concerns regarding classroom practices and procedures are encouraged to first attempt a resolution through discussion with the faculty member. Students may also contact the faculty member's Department Chair or the Office of Academic Affairs.

If the issue is not resolved the student may file a written grievance/complaint with the Department Chair or the Office of Academic Affairs. If filed with the Office of Academic Affairs the complaint will be assigned to a department chair or if the complaint is against a Department Chair the complaint will be assigned to the Associate Academic Dean. The chair or associate dean will talk with both parties as a fact finder and then issue a resolution in writing in a timely fashion. The student has a right to appeal the resolution to the Office of Academic Affairs. Findings of a Department Chair will be handled by an Associate Dean and findings of an Associate Dean will be handled by the VPAA. The decision of the Associate Dean or VPAA on an appeal is final.

Please note: This policy does not apply to issues of academic integrity.

If the complaint/grievance is not resolved by the institution the student may reach out to the South Carolina Commission of Higher Education at: https://www.che.sc.gov/CHE_Docs/academicaffairs/SARA/ComplaintForm.pdf

Tailgating Policy

The college wants Newberry Athletics to be enjoyable for our fans as well as visiting team fans and our number one priority is your safety! For those reasons, tailgaters will be expected to abide by the College's tailgating policy. Exceptions may be granted by the Director of Athletics and/or the Dean of Students. The tailgating policy can be found on the athletic website under the "Tickets" tab.

Tobacco Policy

The use of all tobacco products is prohibited in all buildings on campus to include the residence halls. Tobacco products can be used no closer than 25 feet from any entrance to a building. Additionally no tobacco products will be used in any vehicle transporting students to college sponsored events.

STUDENT CODE OF CONDUCT

I. Rights and Responsibilities of Students

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom of the individual may be defined as the right to act or speak, so long as it does not adversely affect the rights of others. Actions or speech that are inflammatory, threatening, demeaning or unreasonably interfere with students' living or study conditions, or the administration of Newberry's affairs are not protected. It shall constitute a disruptive act for any member of the campus community to engage in any conduct which would substantially obstruct, interfere with or impair instruction, research, administration, authorized use of College facilities, the rights and privileges of other members of the Newberry community, or disciplinary proceedings. Moreover, Newberry College is committed to improving the quality of student life by promoting a diversified educational and cultural experience. Therefore, racist conduct or other acts of bigotry will not be tolerated.

Rights and freedoms imply duties and responsibilities. Note should be taken that a student who exercises his or her rights as a private citizen—whether individually or as a member of a group—must assume full responsibility for his or her actions. All Newberry students and employees must abide by local, state, and federal laws and with all published College policies and regulations. Violations of laws and regulations may subject the perpetrator to disciplinary action by the College and/or the appropriate civil or criminal court.

II. Authority and Responsibility

Responsibility for good conduct rests with students as adult individuals. Student organizations have similar responsibility for maintaining good conduct among their members and guests and at activities they sponsor. Organizations wishing to become chartered that violate Newberry policy or do not fulfill requirements to be a chartered organization can still be subject to this code of conduct and possible restrictions outside the code. Restrictions will be overseen by the Director for Student Engagement and Greek Life and monitored by the Assistant Dean for Student Engagement if no formal charges are brought. All members of the campus community are expected to use reasonable judgment in their daily campus life and to show due concern for the welfare and rights of others.

This code is promulgated in accordance with the policies of the Board of Trustees of Newberry College. The Dean of Students as the President's designee in these matters shall normally obtain the advice of the Campus Disciplinary Board before recommending changes in rules governing student rights, responsibilities and conduct. Under normal circumstances, the Dean of Students will designate the responsibility for the operation of the Student Code of Conduct to the Office of Student Affairs, particularly the Assistant Dean of Students. This responsibility includes formulating and implementing operating procedures for the judicial consideration of conduct violations and the imposition of sanctions in an efficient, consistent, fair, legal and educational manner. The Assistant Dean may further delegate responsibility to various judicial bodies and administrative staff.

The President of Newberry College is authorized to assign disciplinary cases to special hearing committees or officers as the President deems appropriate.

III. Application of Laws and Off-Campus Activities

Newberry College is not a sanctuary beyond the reach of the criminal laws of the United States, the State of South Carolina, and the City of Newberry. While the rules and regulations of Newberry College are not meant to duplicate general laws, there are some aspects in which the lawful interests of the institution as an academic community coincide with the broader public interest treated in general laws. Students, or student organizations, who commit offenses against the laws of municipalities, states, or the United States, are subject to prosecution by those authorities and may be subject to disciplinary action under College rules when their conduct violates institutional standards. Newberry students, or student organizations, are subject to the provisions of this Student Code of Conduct while on College premises or College-related premises, and when involved with off-campus activities. Students, or student organizations, will be held accountable to this code for their off-campus activities when it can be ascertained the off-campus act has a direct detrimental impact on the College's educational functions. Any disciplinary action imposed by Newberry may precede and be in addition to any penalty imposed by an off-campus authority.

IV. Prohibited Conduct

The following constitutes the official record of general violations of conduct rules and regulations at Newberry College. Students and student organizations are expected to abide by these regulations. These regulations are not designed to define prohibitive conduct in exhaustive terms. Additional rules and regulations may be adopted and will be promulgated through campus communication channels. A student or student organization that is responsible for misconduct or is responsible for being an accessory to misconduct shall be subject to the sanctions authorized

by this code. Students who anticipate or observe a violation of College policy are expected to remove themselves from participation and are encouraged to report violations. Areas of misconduct include:

- A. Disruption of classes, seminars, research projects, or activities of the College.
- B. Actual or threatened physical assault or injury to persons
- C. Sexual Misconduct - Non-Title IX Sexual Misconduct - Sexual Misconduct violations not addressed by the Title IX policy include, but are not limited to:
 - i. Sexual assault or harassment that occurs off campus in the context of College employment, education, or research programs or activities, including but not limited to College-sponsored study abroad, internships, graduate/professional programs, intercollegiate athletics or other affiliated programs. If the conduct occurs off campus outside the context of a College program or activity, the College will consider the effects of the off campus conduct in order to evaluate whether it has continuing adverse effects on campus or in any College program or activity, including the creation of, or perception of, a hostile environment on campus or in an off-campus education program or activity.
 - ii. Child Abuse – Child abuse includes sexual abuse or exploitation of a person who is under eighteen (18) years’ old. For purposes of enforcement, the definition of “sexual exploitation” and “sexual abuse” is found in the Title IX Policy.
- C. Sexual Misconduct - Title IX Violations - Title IX violations to include: Actual, threatened or attempted sexual misconduct that includes but is not limited to sexual verbal abuse, sexual harassment, sexual exploitation, nonconsensual sexual intercourse, nonconsensual sexual contact, stalking, dating or domestic violence. See the definitions and descriptions of sexual misconduct, sexual assault, and sexual harassment as well as associated procedures in our Title IX Policies and Procedures.
- D. Bias Incidents – Language and/or behaviors which demonstrate bias against persons because of, but not limited to, others’ actual or perceived: color, disability, ethnicity, gender, gender identity and expression, national origin, race, religion, and/or sexual orientation. Examples may include defacement of posters or signs, intimidating comments or messages, vandalism to personal or College property, or personally abusive epithets when directly addressed to any person. Such words include but are not limited to, those terms widely recognized to be derogatory references to any of the identities listed above.
- E. Bullying/Harassment – Intimidating or threatening an individual with harm is prohibited. Bullying/Harassment is defined as any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication which (1) places a person in actual and reasonable fear of harm to his/her person or damage to his/her property or reputation; or (2) creates or is likely to create a hostile environment by substantially interfering with a student’s educational opportunities or benefits; or (3) involves coercion or required behaviors or activities, which may be defined as hazing.
- F. Disorderly conduct - Individual or group behavior which unnecessarily disturbs individuals or groups is prohibited. Such conduct includes, but is not limited to, unwelcome physical contact, hazing, and boisterous, or threatening conduct which is unreasonable for the area, time, or manner in which it occurs.
- G. Drugs - The manufacture, distribution, sale, use, offer for sale, or possession of drugs or

narcotics in accordance with State statutes.

- H. Drug Paraphernalia – The manufacture, distribution, sale, use, offer for sale, or possession of drug paraphernalia in accordance with State statutes.
- I. Behavior or activities which endanger the safety of oneself or others - This includes, but is not limited to, destructive behavior by individuals and/or groups; self-destructive behavior; arson; and tampering, damaging, or misusing fire equipment.
- J. Complicity - Students shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this Code of Conduct. A student who has knowledge of another committing or attempting to commit a violation of the Code of Conduct is required to remove themselves from the situation. Failure to do so when reasonable under the circumstances may be the basis for a violation of this procedure.
- K. Possession and/or use of firearms, fireworks, weapons and hazardous chemicals - Newberry College is unwilling to allow even the mere presence of dangerous weapons. While some objects are clearly dangerous, what is used dangerously may also be considered a weapon. Prohibited items include but are not limited to ammunition, hunting and target equipment, air rifles, pellet guns, paint ball guns, brass knuckles, knives, blank pistols, look-alikes, and bows and arrows. These items in any area of campus, including the inside of automobiles is prohibited.
- L. Damage/Misuse of property - Unauthorized use or misuse of College property or equipment, or the property of any person which may or may not result in damage, destruction, or defacement as a result of a deliberate action, reckless, or imprudent behavior.
- M. Theft of property - Theft of College property or possession of stolen College property or property of any person.
- N. Misuse of College documents - Forging, transferring, altering, or otherwise misusing any Newberry document, including identification cards, course registration material, or other document or record.
- O. Unauthorized use of the name or insignia of the College by individuals or groups.
- P. Unauthorized presence in or forceful entry into a College facility or College-related premises, to include residence halls and residence hall rooms.
- Q. Improper Communications - No student shall make or assist in making unauthorized or harassing telephone calls, text messages, instant messages, messaging through social media, email, etc. or otherwise misuse or abuse any of the aforementioned channels of communication.
- R. Violations of any of the restrictions, conditions or terms of any sanctions resulting from a previously held disciplinary hearing or failure to complete conditions or terms within the designated time.
- S. Misappropriation or misuse of student organization funds or property - This includes, but is not limited to, over-extension of the budget of a student organization; spending receipts prior to proper deposit; and unauthorized personal use of equipment.
- T. Computer abuse - This includes, but is not limited to, plagiarism of programs; misuse of computer accounts; unauthorized destruction of files; creating illegal accounts; possession of unauthorized passwords; and; illegal downloads.

- U. Providing false information - In the application for admission, petitions, requests, disciplinary hearing or other matters of record and transaction with officials of Newberry College.
- V. False reporting of an emergency - The false report of a bomb, fire or other emergency in any building, structure or facility by means of activating an alarm or in any other manner.
- W. Violation of Privacy - Photographing, audio or video recording, producing, creating or distributing a digital electronic file or filming another person without that person's knowledge and consent, while the person is in a place where he or she would have a reasonable expectation of privacy is prohibited. Examples include residence hall rooms, bathrooms, locker rooms, study areas and instructional space. Also see Newberry College's Regulations for Responsible Use of Information Technology.
- X. Failure to identify oneself when requested by persons in authority who are in the process of discharging their responsibilities.
- Y. Failure to Comply - Failure to comply in general means a failure, refusal, or neglect to obey an official order. Examples include failure to attend a scheduled disciplinary meeting or hearing and failure to complete assigned sanctions of a disciplinary action.
- Z. Intimidation or Harassment of any person involved in a campus disciplinary investigation or hearing or of faculty, staff, or student staff who are in the process of discharging their official responsibilities is prohibited.
- AA. Unauthorized use or possession of keys - No one may use or possess any College key without proper authorization. No student is allowed under any condition to have a College key duplicated.
- BB. Sale of textbooks - The sale of a textbook by any student who does not own the book is prohibited without prior authorization from the owner of the book.
- CC. Operating a business without a license and/or prior consent of the College on College premises.
- DD. Violation of the College's alcoholic beverage policy.
- EE. Violation of the College's fundraising, solicitation, canvassing, assembly, and posting policies.
- FF. Violation of the College's hazing policy.
- GG. Violations of the Residence Hall policy not specifically listed under Campus Disciplinary Board or Residence Life Office jurisdiction.
- HH. Violations of College policies and procedures-Failure to abide by any published College policy or procedure is prohibited, including the General Conduct Policy and those outlined in the Registered Student Organization Handbook.
- II. Commission of any act which is a violation of a criminal law of the United States.
- JJ. Violations of the Academic Integrity Policy.

V. Disciplinary Process (for non-sexual misconduct complaints¹)

Any person, agency, organization or entity may make a complaint to the Office of Student Affairs alleging a violation of the Student Code of Conduct by a student or student organization. The College will treat a police report or citation as a complaint. The College's proceedings are separate from civil litigation or criminal arrest and prosecution and will be carried out prior

to, simultaneously with, or following civil or criminal proceedings. Rulings associated with the Student Code of Conduct are not bound to or controlled by decisions related to legal matters and may differ in outcome.

All students and student organizations are subject to the disciplinary procedures prescribed in this code. If a student, allegedly involved in a violation of the Student Code of Conduct, separates or graduates from the College prior to resolution, the disciplinary process can continue at the discretion of the College and the outcome placed in the student's file. If a hearing is not pursued upon the separation of the student, the pending charges will be resolved, at the discretion of the College, prior to any future readmission.

¹ Sexual misconduct complaints which allege violations of sections C and D of the Student Code of Conduct will follow the Title IX process where applicable.

- A. Complaint - Complaints concerning alleged violations of this Code must be brought in writing to the Office of Student Affairs within 120 days of discovery of the alleged offense. Upon receipt of information, the Office of Student Affairs will review the complaint, any relevant evidence and may initiate the disciplinary process. In the absence of sufficient information as determined by the Assistant Dean of Students or designee, a complaint will be dismissed. Exceptions to this policy will be made at the sole discretion of the Assistant Dean of Students or designee. Such exceptions may involve allegations that are still under investigation or cases in which the safety of individuals or the College community is deemed by that official to be at risk.
- B. Initial Inquiry – The initiation of the disciplinary process may include a period of initial inquiry, in which the Assistant Dean of Students or designee may speak with individuals involved in the alleged incident in order to determine how to move forward in the disciplinary process.

Depending on the violation(s), circumstances of the incident and prior disciplinary history, if any, the Assistant Dean of Students or his/ her designee can proceed with the following.

- C. Notification of Charges – Once it is determined that disciplinary proceedings will be initiated, the accused student or student organization will be provided written notification of the alleged violation(s). The notice may be sent to the mailing address and/or e-mail address with the College information system or the address on the complaint. The written notice shall describe the alleged violation(s) and inform the student or student organization about the reported circumstances underlying the alleged violation(s) with the date and time of the Student Conduct Conference with the Assistant Dean of Students or designee. The Student Conduct Conference provides the accused with:
- Opportunity to discuss the allegations and provide information;
 - Notice of formal charges resulting from allegations;
 - Notification of the process to resolve formal charges through conduct proceedings; and
 - Opportunity to accept or deny responsibility for formal charges.
- D. Options for Resolution of Disciplinary Charges - It should be clearly understood that there is a fundamental difference between the nature of student discipline and that of criminal law.

Regardless of the options exercised for resolution of charges, the discipline of students within the College community must be consistent with the educational mission of the institution.

At the Student Conduct Conference with a conduct officer, the charged student will have all the

disciplinary options outlined below fully explained:

1. Plead not responsible to the charge(s) and have a regular hearing before the Campus Disciplinary Board where a determination of responsibility will be made. If held responsible by the Campus Disciplinary Board, appropriate sanction(s) will be determined.
 2. Plead not responsible to the charge(s) and request an administrative hearing before the next level in the disciplinary chain of command where a determination of responsibility will be made. If held responsible by this administrative hearing officer, appropriate sanction(s) will be determined. The next level in the disciplinary chain of command or Dean may decline to conduct the hearing, in which case the matter must be heard by the Campus Disciplinary Board.
 3. Accept responsibility for the charge(s) and elect for the Campus Disciplinary Board to determine an appropriate sanction(s).
 4. Accept responsibility for the charge(s) and elect for the Assistant Dean of Students or designee to determine appropriate sanction(s).
- E. Student Conduct Conference – If the student elects a hearing, the Student Conduct Conference also serves to ensure that the accused will be sufficiently familiar with the disciplinary process in order to adequately prepare and present a response at the hearing. At this conference, the accused:
1. Will be advised at the outset of the right to decline to make any statements to avoid the possibility of self-incrimination. Refusal to speak or to answer questions shall not be interpreted as evidence of responsibility.
 2. Will be advised of the alleged violations and an explanation of the prohibited conduct will be provided. The student will be advised if suspension or expulsion is possible as a result of the hearing.
 3. Will be advised of the identity of witnesses or others who will testify, the general content of their testimony, and the content of any written material or physical exhibit which will be presented at the hearing. If additional information or new witnesses are to be presented at the hearing, the accused student will be informed at least one day prior to the hearing date and the information will be made available for the student's review. The accused student may schedule a time to review their case file in the Office of Student Affairs with a professional staff member. Copies of files will not be provided and copying file material is prohibited.
 4. Will be advised that a list of up to five relevant witnesses requested by the accused student must be provided and any written statements by those witnesses must be included in the case file three days prior to the hearing. Any additional information must be available to the Office of Student Affairs at least three days prior to the hearing date, for a determination of relevancy, and to be included in the case file for the hearing authority to review.
 5. Will be advised that an advisor may be present at the hearing. The advisor may not address the hearing officer, panel or other persons at the hearing unless permitted by the hearing officer or panel. The role of the advisor will be to consult with the accused at reasonable intervals during the course of the hearing. NOTE: Advisors are

not permitted to participate directly in the hearing process or to speak for the charged student. Advisors must be members of the Newberry College community. At no point, are outside the community advisors, including attorneys and parents/guardians, allowed to participate in the process.

6. Will be advised to consult further with the Assistant Dean of Students or designee concerning any questions or interpretations of procedure.
 7. Will be advised that hearings are scheduled to provide the accused student a minimum of three days from the date of notification of charges (excluding weekends and holidays) during which to prepare a response.
 8. Will be advised that any request for a delay of the hearing must be in the form of a written petition to the Assistant Dean of Students, who schedules hearings and determines whether a delay will be granted. When granted, a delay will not exceed ten (10) days in the absence of extraordinary circumstances, to be determined by the Assistant Dean of Students. Such a delay will not affect the student's status.
 9. Will be advised that the Office of Student Affairs may choose to delay the hearing for good cause. Such a delay will not affect the student's status.
 10. Will be advised of options for resolution of disciplinary charges.
- F. Failure to Respond - If the charged student or student organization has been properly notified of the charges and hearing date, and still does not attend the scheduled hearing, the hearing will be conducted by the Assistant Dean of Students or designee and a determination will be made based upon the available information. The accused will be considered properly notified when the formal charge letter has been delivered to the student's address and/or student e-mail address as indicated in the most current Student Directory compiled by the Registrar's Office.
- G. Dismissal of Charges – If the Assistant Dean of Students or designee determines as a result of the Student Conduct Conference that insufficient information exists to justify a hearing, the charge will be dismissed.

Hearing Procedures

- A. During a hearing, the accused student is entitled to:
1. Appear in person, hear all information presented and present any relevant information, call witnesses, and ask questions of witnesses present at the hearing.
 2. Elect not to appear at the hearing, in which case the hearing may be conducted in the accused's absence.
 3. Refuse to answer any questions or make a statement; the hearing authority shall make its decision solely on the basis of information presented at the hearing.
 4. Challenge the presence of a Campus Disciplinary Board member for cause. Cause is defined as personal bias, prior involvement, or inappropriate access to information concerning the incident. The removal of a Campus Disciplinary Board member for cause will be at the discretion of the remaining board members as determined by majority vote.
 5. Confidentiality. All hearings shall be conducted in private session. All statements,

information, or comments given during hearings will be held in the strictest confidence by members of the Campus Disciplinary Board, College staff, witnesses and advisors before, during, and after deliberation. Video, audio, stenographic, or photographic recording of hearing proceedings are prohibited, except as authorized by the Office of Student Affairs.

- B. The hearing authority will exercise control over the hearing to avoid needless consumption of time, repetition of information, and/or prevent the harassment or intimidation of participants. The hearing can be recessed at any time.
- C. All hearings shall be conducted in an informal manner and technical rules of evidence will not be applied. The taking of statements of witnesses may be done by discussion, though the testimony of each witness may be subject to question and rebuttal. While written statements are admissible, the accused shall have the opportunity to question and rebut the testimony, unless extenuating circumstances preclude this option. Any written witness statements must be available in the file for review three days prior to the hearing date.
- D. Witnesses shall be present during a hearing only during the time they are testifying unless the violation is one in which there is a specific individual victim.
- E. Cases in which there is a specific victim include but are not limited to violations of sexual misconduct or physical assault. In such cases, the victim may be present throughout the hearing and may also have an advisor present. Questioning of the victim by the accused student will be directed to the Board and the chair of the Board will direct the question to the victim.
- F. The Assistant Dean of Students or designee is responsible for scheduling, coordinating, and presenting all cases.
- G. The Assistant Dean of Students or designee will make a recording of all hearings, where a student pleads not responsible or when a charged student request it. The accused shall have the right, upon request, to listen to the recording in the presence of a staff member of the Office of Student Affairs. The accused may request a duplicate copy of the recording within a period of six months from the date of the hearing and must assume the cost of this expense.

VI. Hearing Decisions

- A. Upon completion of the hearing, the hearing authority shall in private session consider the information presented to determine responsibility or to drop the charges due to insufficient information.
- B. The hearing authority shall consider only the information presented at the hearing, and make determinations of responsibility by a preponderance of the evidence standard. The outcome of a conduct hearing will be one of the following:
 - **Responsible:** Campus Disciplinary Board, Dean of Students or designee determined by a preponderance of the evidence ("51% or more likely than not") that a violation of the Student Code of Conduct occurred.
 - **Not Responsible:** Insufficient evidence exists to warrant a responsible finding.

- C. In a Campus Disciplinary Board hearing, a majority vote of Board members shall be required to find the accused responsible and to assign a sanction. Four members constitute a quorum. The Assistant Dean of Students or designee may offer an opinion regarding appropriate sanctions.
- D. If responsibility is acknowledged or determined, prior to the determination of the sanction(s), the hearing authority shall allow the introduction of information concerning the past conduct record of the accused and a victim impact statement which details the impact on the victim, if any, the violation caused. The statement may be written or oral. These will be provided by the Assistant Dean of Students or designee in the presence of the accused.
- E. If the student found responsible does not choose to be present, the student's prior record and victim impact statement will be introduced in his or her absence.

Notification of the Outcome

- 1. Upon completion of all deliberations, the hearing authority will notify the Assistant Dean of Students or designee of the full decision.
- 2. The written outcome from the hearing authority shall consist of written confirmation of the outcome including the findings, the determination of responsibility, the complete description of any sanction imposed or the decision to drop the charge(s) due to insufficient information. The hearing authority will generally send the letter to the accused and the Assistant Dean of Students or designee within 48 hours after completion of the hearing. In cases involving a victim of violence, the victim will also be notified of the outcome of the hearing.

VII. Disciplinary Sanctions

The purpose of imposing sanctions is twofold: to protect the College community from behaviors that are detrimental to the educational process of the community; and to assist students in identifying acceptable parameters of their activities and consequences of future behaviors. The severity of the sanctions imposed is intended to correspond with the severity or frequency of violation, as well as the student's willingness to recommit himself or herself to good citizenship through behaviors that fall within the conduct regulations of the College. The College may withhold awarding a degree otherwise earned and/or place a hold on registration until the completion of the process set forth in this Code of Conduct, including the completion of all sanctions imposed, if any. The following disciplinary sanctions may be imposed upon a student responsible for a violation either singly and/or in combination:

- A. **Expulsion** — Expulsion is permanent disciplinary separation from the College involving denial of all student privileges. Expulsion shall be effective on the date of notice of the expulsion, or later if so stated in the notice; and shall be entered into the student's permanent record (transcript).

Students separated from the College by expulsion may not enter College premises or College-related premises without securing prior approval from the Dean of Students.

- B. **Suspension** — Suspension is temporary disciplinary separation from the College involving denial of all student privileges. Suspension shall be effective on the date of notice of the suspension or later if so stated in the notice; shall be entered into the student's permanent

record (transcript); and shall prescribe the date and conditions upon which the student may petition for readmission. Conditions for readmission may include, but are not limited to, disciplinary probation for a specified length of time; non-residence on campus; restricted visitation to specified campus facilities; and written statement from an accredited mental health professional or medical doctor verifying the capability of the student to function successfully at the College.

Students separated from the College by suspension may not enter College premises or College-related premises without securing prior approval from the Dean of Students.

The suspension notation will be removed from the student's permanent record, by the Registrar, upon the student's graduation. The suspension notation may also possibly be removed earlier by petitioning the Dean of Students.

- C. **Residence Hall Separation** — Residence Hall Separation involves removal from the campus residence hall community for conduct demonstrating an inability to function appropriately in the residence hall living situation. Such separation may be permanent or for a specified number of semesters. Such separation prohibits accessibility to all or designated residence halls and associated dining facilities. Visitation will not be permitted without securing prior approval from Assistant Dean of Students or Dean of Students. In no case will separation be less than the remainder of the semester in which it takes place. Conditions for readmission to the residence hall may include, but are not limited to, disciplinary probation for a specified length of time; restricted visitation to specified campus facilities; and written statement from an accredited mental health professional or medical doctor verifying the capability of the student to function successfully at the College.

- D. **Disciplinary Probation** - A period of review and observation during which a student has been officially notified that his/her conduct, although not serious enough to warrant suspension, was very inappropriate. Subsequent violations of College rules, regulations or policies (even after a particular probationary period expires) could result in a more severe sanction.

Disciplinary Probation is a status which involves restrictions, conditions or terms imposed for a definite period of time. Restrictions, conditions, or terms of probation may include but are not limited to: ineligibility to participate in all campus activities, events and/or sports; periodic contact with a designated member of the campus community; restrictions on accessibility to College facilities and/or housing areas; and change of housing assignment. Restrictions, conditions, and terms will be imposed for a specific length of time not to exceed the length of the probationary period. Failure to comply with the terms and conditions of the probation or additional behavior in violation of this code during the probationary period will likely result in more serious disciplinary action.

- E. **Conduct Probation** — A period of review and observation during which a student has been officially notified that his/her conduct, although not serious enough to warrant suspension, was very inappropriate. Subsequent violations of College rules, regulations or policies (even after a particular probationary period expires) could result in a more severe sanction.

Conduct Probation is a status which may involve restrictions, conditions or terms imposed for a definite period of time not to exceed the length of the probationary period. Restrictions, conditions, or terms of probation may include but are not limited to: periodic contact with a designated member of the campus community; restrictions on accessibility to College facilities and/or housing areas; and change of housing assignment. Restrictions,

conditions, and terms will be imposed for a specific length of time not to exceed the length of the probationary period. Failure to comply with the terms and conditions of the probation or additional behavior in violation of this code during the probationary period will likely result in more serious disciplinary action.

- F. Conduct Warning – Conduct Warning involves written notice to the student indicating that specific behavior or activity was in violation of this code and that repetition of similar or other unsatisfactory behavior would likely result in more serious disciplinary action. Conduct Warning may also involve conditions, such as those listed above, that are intended to be educational in nature.
- G. Restitution – Restitution is not a fine; it is reimbursement for actual damage to, destruction of, or misappropriation of College property or property of any person which results from conduct in violation of this code; or is compensation for services provided such as alcohol education. The conduct officer or hearing panel will determine the appropriate reimbursement.
- H. Fine – A fine is a sum imposed as a sanction for an offense.
- I. No Contact Order – An order of 'no contact' is a restriction of contact between parties, included direct and indirect contact, through a third-party, and/or through technology or social media.
- J. Educational Sanctions – Include but not limited to: required participation in or attendance at appropriate educational program(s); alcohol education roundtables or counseling; community service; apologies, essays or other appropriate discretionary assignments that fulfill the goals of education and reconciliation. The cost for attendance or participation is at the expense of the student. Note: Community service cannot be part of an event, sport, etc. the student is already involved in.
- K. Creative Sanctions- As deemed appropriate by the hearing officer, sanctions such as presentations, work projects or other creative sanctions.
- L. Parental Notification for Violating the College's Drug or Alcoholic Beverage Policy- When found responsible for violation of these conduct standards, the hearing authority may decide to notify the responsible students' parents or legal guardians of these violations as allowed by Federal law. This will only occur after the hearing authority has discussed this possible notification with the student and the student is under 21.

VIII. Appeals

Appeals must be presented, specifically described in writing to the next level of authority in the disciplinary chain of command. An appeal is not a new hearing. It is a review of the record of the original hearing. The accused student and his or her advisor have the right to review the accused student's disciplinary file, including any recording of the hearing. A review of the file may be scheduled with a professional staff member in the Office of Student Affairs in order to prepare for an appeal. Copies of files will not be provided and copying file material is prohibited. An appeal may be dismissed if not sought on proper grounds. If an appeal is upheld, the case with procedural specifications shall be referred to the original hearing officer/panel. Any sanction

imposed as a result of a hearing shall remain in effect during the process of appeal. The Campus Disciplinary Appellate Panel has the authority, under extenuating circumstances, to defer the imposed sanction while an appeal is in process.

In any event, sanctions may not be increased as a result of an appeal.

An appeal may be sought on two grounds:

1. On a claim of error in the hearing procedure that substantially impacted the outcome (or fairness) of the hearing. Appeals on such grounds must be presented, specifically described, in writing within three days (excluding weekends and holidays) of the announcement of the decision.
2. On a claim of new evidence or information not available at the time of the hearing that could substantially impact the original outcome. Appeals on such grounds must be presented, specifically described, in writing within three days (excluding weekends and holidays) of the new information having been discovered, or no later than one month from the date of hearing.

The following is the disciplinary chain of command:

- Hearing Officer
- Assistant Dean of Students or designee
- Dean of Students/Campus Disciplinary Board
- Campus Disciplinary Appellate Panel

The Campus Disciplinary Appellate Panel shall consist of three Campus Disciplinary Board members not previously involved in the case. The members of the Appellate Panel are appointed by the Dean of Students. An appeal is not a new hearing. The Appellate Panel will not, other than in exceptional circumstances, receive testimony.

The Campus Disciplinary Appellate Panel will make one of the following actions:

- A. Affirm the decision of the Campus Disciplinary Board
- B. Uphold the finding of responsibility of the Campus Disciplinary Board but make changes to the sanctions.
- C. Overturn the decision of the Campus Disciplinary Board and find no violation.
- D. Remand the case to the Campus Disciplinary Board for additional proceedings (ex. to consider new evidence)

All decisions made by the Appellate Panel are final.

IX. Summary Action

- A. Summary action may require a student to immediately leave College property, and not return during the suspension period, and/or comply with other stated conditions for a specified period. Summary suspension may also be imposed upon a student by the Dean of Students or a designee when there is reason to believe, based on available facts, that the student represents an immediate threat to the safety, health, or welfare of herself/himself, other persons, or property. This summary action is warranted by potential or threatened danger or disruption, but is utilized only when the serious nature or immediacy of the threat makes it impractical to follow normal disciplinary procedures. Students charged with violations of the

student conduct code and are not currently registered, are subject to summary action.

Summary actions authorized by this policy include:

1. Temporary suspension of a student's eligibility for enrollment or attendance, as well as denial of the student's access to College facilities or property. A student may be summarily suspended for a specified period of time or the suspension may be scheduled contingent upon certain events or conditions.
 2. Temporary suspension or limitation of a student's eligibility to enjoy certain privileges, or participate in or attend certain events (or certain kinds of events) without the suspension of enrollment status. This summary action may prohibit a student's presence on College property or certain facilities, or impose conditions which must be met in order for that student to enjoy certain privileges, participate in activities, or attend events.
 3. Temporary suspension or limitation of a student's eligibility to communicate (verbal, written, or electronic, or through another individual) with identified students, staff or faculty members.
 4. Temporary suspension or limitation of a student organization's eligibility to enjoy certain privileges, participation in or attendance at certain events (or certain kinds of events), access to College facilities or property, or College recognition.
- B. When a student is subject to summary action, they are given a copy of this policy and notice explaining the reason for, and duration of the action, as well as any conditions that may apply. A student notified of such summary action shall, upon written request, be given an opportunity to meet with the Dean of Students or a designee within five business days from the date of the request. This meeting shall be held to consider only the following issues related to the summary action:
1. The reliability of information alleging a student's misconduct, and
 2. Whether the conduct or surrounding circumstances reasonably indicate the student's presence on campus or continued unrestricted participation in campus affairs would pose an immediate threat to the safety, health, or welfare of persons or property.
- NOTE: It is not the purpose of the meeting to hear information concerning responsibility of pending or possible charges against the student.
- C. Following the imposition of summary action, standard College disciplinary procedures shall be provided as expeditiously as possible. Unless circumstances render the implementation of standard disciplinary procedures impossible or unreasonably difficult, these procedures shall be initiated within 10 College business days from the effective date of the summary action.
- D. Any student who is summarily suspended and returns to the campus or College property and/or violates other stated conditions during the specified period shall be subject to further separate action and may be treated as a trespasser. Permission to be on campus for a specific purpose (e.g., to take an exam, to consult with the Dean of Students or designee, or to participate in disciplinary procedures) must be requested and obtained in writing or by telephone prior to any conduct contrary to the suspension or conditions, and may be granted by the Dean of Students, Director of Security or designee.

X. Disciplinary Files-Retention and Access

Disciplinary files are retained by the Office of Student Affairs and are considered part of the educational record. Disciplinary information will be provided within the College to individuals who are determined to have a legitimate, educational interest in obtaining this information in accord with the Family Educational Rights and Privacy Act of 1974 (as amended). A student's disciplinary file is retained for a specified length of time. The maximum sanction imposed determines how long a file is retained before being destroyed. Otherwise, a student's disciplinary file is not released outside the College without written consent of the student.

- Permanently Maintained: Expulsion, Termination of Registration of a Registered Student Organization
- Maintained Seven Years from date of Separation: Suspension, Disciplinary Probation, Restitution
- Maintained Five Years from Date of Finding: Academic Misconduct
- Maintained Until Graduation: Residence Hall Separation, Conduct Probation, Conduct Warning
- Maintained Three Years from Date of Hearing: Termination of the Privileges of a Registered Student Organization

The sanctions of Expulsion and Suspension are the only disciplinary sanctions that are entered into a student's permanent record (transcript). A student's disciplinary file is maintained separately from any other academic or official file at the College. In cases where the accused is found not responsible, no official disciplinary file will be retained. When charges are dropped, due to insufficient information, an official disciplinary file will be maintained until graduation or seven years from the date of the hearing.

XI. Campus Disciplinary Board

- A. The Campus Disciplinary Board in addition to being a hearing authority shall serve as an advisory board with regard to formulating and implementing appropriate policies and procedures in discharging responsibility for the total operation of the Student Code of Conduct.
- B. Recommendations of the Campus Disciplinary Board shall be forwarded to the Assistant Dean of Students. The Assistant Dean will consult with the Dean of Students of Newberry College who retains the right to make final decisions in accordance with the governance policy of the institution.
- C. The Campus Disciplinary Board shall consist of five to seven members composed of faculty, staff, and students. Each case brought before the Campus Disciplinary Board will be heard by at least a five member panel. A four person panel may hear a case when deemed necessary and approved by the Dean of Students or designee.
- D. It shall be the prerogative of the President of the College to appoint alternate members of the faculty to serve during holidays and the summer months.

STUDENT ORGANIZATION CODE OF CONDUCT

Recognized student organizations serve as a vehicle for students to conduct their collective interests and activities while adhering to the student code of conduct. Many policies govern the activities and events of student organizations. Groups must agree to comply always with all relevant college policies, procedures, rules, regulations, and guidelines. Since the views and activities of student organizations are not necessarily reflective of the college, all organizations are expected to include in all publications issued (newsletters, brochures, pamphlets, etc.), except those expressly approved, an appropriate disclaimer. An applicable disclaimer would read: "The views expressed in this publication do not necessarily reflect those of the administration, faculty or student body of Newberry College unless specifically stated."

Any student organization can be held responsible for its actions or the actions of those affiliated with the organization, including but not limited to: one or more of its members (active or inactive), former members, alumni, guests, contractors, and agents. Every organization must take all reasonable steps to prevent violations of college regulations and state laws that are growing out of or related to the organization's activities. To this end, each organization is expected to educate its members regarding risk management and all applicable college policies and state laws.

Leaders and organizers are expected to be familiar with all relevant policies. Copies of all policies may be obtained on Wolf Den. All members are expected to comply with all college policies, including, but not limited to:

- RSO/Greek Handbook
- Alcohol and substance abuse policy
- Facilities use policies
- Vehicle regulations
- Risk management regulations

The College reserves the right to modify and to add policies and to hold students accountable for abiding by such policies. The College also reserves the right to hold groups or individuals accountable for inappropriate actions not explicitly listed in these standards.

The Director of Student Engagement and Greek Life can investigate student organizations and their conduct and to sanction organizations for violations of the above-referenced rules and policies. In some instances, student organization conduct may also be investigated by the Assistant Dean of Students or other designated college official.

Student Organization Process

Student organization conduct processes will follow student code of conduct (as see on pg. 52). In addition to this process, RSO will have the following additional options during the initial student organization conduct meeting:

- Admit that the organization is responsible for the alleged misconduct and elect for the

Director of Student Engagement & Greek Life, to determine appropriate sanction(s).

- Admit that the organization is responsible for the alleged misconduct and elect for the Assistant Dean of Student Engagement and/or Assistant Dean of Students, to determine appropriate sanction(s).
- Request a hearing before the Campus Disciplinary Board, to determine responsibility. If held responsible by the Board, the Board will determine appropriate sanction(s) At this meeting, you may:
 - Appear in person, hear all information presented and present any relevant information, call witnesses, and ask questions of witnesses present at the hearing.
 - Elect not to appear at the hearing, in which case the hearing may be conducted in the accused's absence.

Outcomes

Student organizations that violate the provisions of this document are subject to disciplinary action which may include but is not limited to, the following sanctions. Sanctions may be applied singly or in combination. Each conduct referral is processed and decided based upon the unique circumstances of that particular incident. Although there will be usual and customary sanctions administered for similar violations of college regulations, there may be aggravating or mitigating circumstances that could alter the response. Aggravating factors may include, but are not limited to, the extent of harm or injury caused as a result of the incident and actions targeted toward a person based upon that person's sex, race, disability, sexual orientation, or any legally protected class.

1. Reprimand: An official statement to the student organization explaining that they have violated a college regulation. Any further misconduct could result in additional student organization conduct action.
2. Cease and Desist: An official order by the College to halt all organization activities. In contrast, College officials conduct an initial investigation of a complaint or notification of inappropriate behavior or an alleged violation of the Code of Conduct. This order may be in place no longer than one semester while the initial investigation or assessment occurs.
3. Restitution: An organization may be required to make restitution when the organization has damaged or destroyed college or personally owned property.
4. Mediation: Mediation facilitated by identified college personnel can occur among organizations, members, or leaders of a student organization so long as all parties and the Director of Student Engagement and Greek Life in conjunction with the Assistant Dean of Students agree that mediation is an appropriate resolution.
5. Educational Programs: Attendance at educational or counseling programs, researching and writing a paper, completion of special projects, presentations, or participation in other relevant activities may be assigned in place of, or in addition to, other sanctions (consequences). There may be costs associated with some of these activities and is the responsibility of the student organization.
6. Restriction of Privileges: Restrictions placed upon a student organization that limits college

privileges for a specified period; this includes, but is not limited to, limitation of participation in Club, or Intramural Sports, Student Government, other college, programs, trips or activities. Loss of privilege may be imposed separately or in addition to any other sanction and should relate to the violations determined.

Probation

Conduct Probation is an encumbrance on the organization's good standing at the college. Any subsequent violation or additional referrals of violation of college regulations during the probationary period may result in separation from the college. A term of probation not less than one semester in length may be specified. If no additional violations or referrals of additional violations of college regulations occur, the student organization is returned to good standing after the probationary period.

Social Activities Probation: establishes a fixed period, not less than one semester in which the organization may be restricted and only participate in activities directly related to academic pursuits. Organizations on social probation may be banned from the following activities listed, but not limited to, hosting social events and participating in non-academic events in the organization's name.

Separation from the College

1. **Interim Suspension:** If the College President, or designee, determines that the presence of an organization allegedly in violation constitutes an immediate threat of harm to students, college personnel, college property, or the greater community, the President, or designee, may immediately suspend that student and student organization.

Within ten business days of the interim suspension, a hearing will be convened. Extenuating circumstances may warrant an extension, in which case the hearing will be called at the earliest possible date. The organization will be notified of the date, time, and location of the hearing.

At the hearing, the organization will have the opportunity to present their case and a determination will be made as to whether the suspension should be removed or made permanent or whether any other sanction should be imposed.

2. **Suspension:** Establishes a fixed period, not less than one semester, in which the organization is not in good standing nor recognized by the College. Student organizations shall lose all privileges accorded recognized organizations including, but not limited to, room reservation and facility usage privileges, participation in intramural sports, Student Government Association funding, and using the College's name in conjunction with the organization. Members or supporters are permitted to act on behalf of the group, promote, fundraise, recruit for the organization, unique identity, programs, or activities for the duration of the suspension. Once the suspension period has expired, the organization may seek reinstatement. Specific criteria may be established to support the return of the student organization.
3. **Expulsion:** Establishes an indefinite time, during which the organization is no longer in good standing nor recognized by the College. The organization shall lose all privileges accorded recognized organizations including, but not limited to, room reservation and facility usage privileges, participation in intramural sports, Student Government Association funding, and using the College's name in conjunction with the organization. Members nor supporters are

permitted to act on behalf of the group, promote, fundraise, recruit for the organization, its unique identity, programs, or activities.

SEXUAL HARASSMENT/ ASSAULT REPORTING

GUIDELINES & INFORMATION

It is recommended that a student who is a victim of sexual assault go to the Newberry County Memorial Hospital Emergency Room (located down Evans Street from the College) immediately following the incident or as soon thereafter as possible. If a student cannot get there on their own, it is recommended that the student contact 911 for an ambulance. At the ER, the student will receive confidential treatment and information regarding their rights. The student may also be able to preserve evidence for the future, if deciding to press legal charges.

If the student does not desire to go to the emergency room it is recommended that he/she contact Sexual Trauma Services of the Midlands at 803-771-7273 which can be accessed 24-7. Sexual Trauma Services provides confidential counseling and legal advocacy free of charge. It is also recommended that the student contact the licensed mental health counselor on campus following either of the above, or in cases where neither of the above recommendations is followed. The contacts for counseling on campus is Martha Dorrell LISW-CP who can be reached at 803-321-5373 or by e-mail at martha.dorrell@newberry.edu. Through the campus counseling services office, students receive confidential treatment, explore options available, and receive referrals for additional support and legal advocacy, as desired.

When a student is seen within the Newberry College Counseling Services office, and reports sexual harassment or physical sexual assault, the student is asked if they desire to report and/or press charges. If a student desires to report and/or press charges, with permission from the student, the counselor will contact the Title IX Coordinator, Christina Wendland @ 803-321-5193, who then may contact Campus Security. If the student desires to speak only to the Newberry City Police, with permission from the student, the counselor will assist the student in contacting the designated officer of the Newberry City Police Department. The student will also meet with the sexual assault advocate within the Newberry City Police Department. The student will be referred to Sexual Trauma Services of the Midlands for additional assistance. If the student does not desire to report, press charges, but would like more information on additional counseling beyond the Newberry College campus, and/or legal advocacy, the Newberry College Counselor will refer the student to Sexual Trauma of the Midlands at 803-790-8208. If the sexual assault creates a hostile environment on campus, the counselor is required to contact the Title IX Coordinator.

If the student reports a sexual assault to other College faculty or staff, including student staff members, that person is obligated by federal legislation, including the Campus Sexual Violence Elimination (Campus SaVE Act), to report the incident to the Title IX Coordinator.

We strongly recommend reporting a sexual assault to a College representative. Reporting is the only way the College can take action against the alleged perpetrator. A College representative is any faculty or staff member, including student staff, RA, professor, coach or work study supervisor. These individuals can refer the student to the counselor for personal and legal resources available and are obligated by federal legislation under the Campus SaVE Act to report

an assault to the Title IX Coordinator. A student may also choose to contact Campus Security @ 803-321-5602 or the City of Newberry Police Department @ 803-321-1010.

Once a sexual assault is reported, the Title IX Coordinator is obligated to contact the victim for a statement and possibly to conduct an investigation. A request for confidentiality is evaluated against the responsibility to make the campus safe. Newberry College is committed to maintaining confidentiality throughout the process balanced with the responsibility to keep the victim safe and the campus community safe. The victim has the right to make a handwritten statement to the Title IX Coordinator stating that they choose not to have the police involved.

In cases of perceived danger, the College is obligated to make a public statement to alert the campus community. All identifying information about the victim must be kept confidential. Any public statement to the campus to alert and protect the community from imminent danger will be coordinated initially by the Title IX Coordinator. Anyone who has been sexually assaulted has the right to pursue legal and disciplinary remedies and to secure counseling services. This includes the right to pursue College judicial action, criminal prosecution, and/or civil litigation. Please see the Code of Student Conduct for details on the campus judicial process. Electing to pursue judicial action through the College does not commit the victim to pursue criminal or civil action, or vice versa. A victim also has the right to take no action. Should a victim wish to pursue criminal prosecution and/or civil litigation, the Director of Campus Security can provide assistance and information.

TITLE IX POLICIES AND PROCEDURES

I. Introduction and Scope of Policy

Newberry College complies with Title IX of the Education Amendments of 1972 ("Title IX"), which prohibits sex discrimination in education programs and activities receiving federal financial assistance. The purpose of the Sexual Misconduct Response Policy ("Policy") is to define the prohibited conduct, describe the process for reporting violations of the Policy and for filing Formal Complaints, outline the process used to investigate and adjudicate alleged violations of Policy, and identify the resources available to Complainants and Respondents.

This Policy prohibits sex discrimination in accordance with Title IX. This Policy further prohibits sexual harassment ("Sexual Harassment"), as defined by current regulations to include certain gender-based harassment, sexual assault, dating violence, domestic violence and stalking, when such Sexual Harassment occurs within an "education program or activity" of the College, against a person in the United States. An "education program or activity" includes locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College. Anyone may experience Sexual Harassment, irrespective of gender identity or sexual orientation. This Policy also prohibits retaliation against any person for exercising any right or privilege under this Policy, or because the individual has made a report or complaint, testified, assisted or participated in an investigation, proceeding or hearing under this Policy.

As described further below, Newberry College has designated a Title IX Coordinator to coordinate

compliance with this Policy, and respond to inquiries, reports and complaints under this Policy.

Allegations of sexual misconduct that do not meet the definition of Sexual Harassment under this Policy shall be addressed under other applicable College policies, such as the Student Code of Conduct or the Anti-Harassment Policy. However, allegations that do meet the definition of Sexual Harassment under this policy will only be addressed in accordance with this policy. Subsequent proceedings on the same alleged conduct of Sexual Harassment being investigated under this policy will not be addressed under the Student Code of Conduct or Anti-Harassment Policy following resolution of the allegation under this policy. Generally speaking, the identity of the Respondent(s) will determine which Policy will apply to a matter involving sexual misconduct that is dismissed under this Policy but that may violate other College policies. Notwithstanding, the College maintains sole discretion as to whether such other sexual misconduct and/or other misconduct will be addressed under its Student Code of Conduct or Anti-Harassment Policy.

II. Definitions

“Actual Knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment to the Title IX Coordinator or any Official With Authority or Responsible Employee as defined herein. However, the College is not deemed to have actual knowledge when the only official or employee with actual knowledge is the respondent.

“Child Abuse” means sexual abuse or exploitation of a person who is under sixteen (16) years old.

“Coercion” means the use of express or implied threats, intimidation, or physical force which places an individual in reasonable fear of immediate harm or physical injury.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

“Consent” means mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Silence alone, without actions evidencing permission, does not demonstrate consent. While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions may lead to confusion and potential for misunderstandings, which may lead to a violation of this Policy. It is the responsibility of the initiator of any sexual activity to obtain their partner's consent. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent if that individual is the one who initiates sexual activity. Consent must be knowing and voluntary. To give consent, a person must be of age in this state. Assent does not constitute consent if obtained through “coercion” or from an individual whom the respondent knows or reasonably should know is “incapacitated”.

Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease immediately. Consent is automatically withdrawn by a person who is no longer capable of giving consent due to incapacitation. A current or previous consensual dating or sexual relationship between the Parties does not itself imply consent or preclude a finding of responsibility under this Policy.

“Dating Violence” means violence committed by a person--(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration

of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

“Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by email, or by using the Incident Reporting Form available on Wolf Den, by using the contact information contained in Section III – B of this Policy. As used in this definition, the phrase “document filed by a complainant” means a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

“Grievance process” means the process during which the College will investigate complaints alleged to have violated this Policy.

“Incapacitated” means, by reason of mental or physical condition, an individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Someone who is drunk or intoxicated is not necessarily incapacitated. Individuals who are asleep, unresponsive, or unconscious are incapacitated. Among the factors the College will use to assess whether someone is incapacitated for purposes of this Policy are: inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. The existence of any one of these factors may support a finding of incapacitation for purposes of this Policy.

“Party” or **“Parties”** means a Complainant or Respondent, or Complainant(s) and Respondent(s) collectively.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

“Responsible Employees” means all employees and full-time contractors except those employees or full-time contractors who have legally-defined confidentiality privileges, including but not limited to College counselors, nurses and pastors. Exempted from this section includes the College's physical and mental health counselors.

“Retaliation” means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege under this Policy. Retaliation may be directed against a Party, or against anyone who participates in any process under this Policy. However, charging an

individual with a College Policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation under this Policy. A determination regarding responsibility, alone, will not be sufficient to conclude that any Party made a materially false statement in bad faith.

Notwithstanding this definition of retaliation, the exercise of rights protected under the First Amendment of the U.S. Constitution does not constitute retaliation under this Policy. A person engaged in retaliatory conduct is subject to the disciplinary sanctions under this Policy. For students, this may include but is not limited to denial of certain privileges, disciplinary probation, suspension, and/or expulsion. For employees, this may include but is not limited to warnings, suspensions, and/or termination. The College will consider interim measures in response to retaliation-related concerns in order to stop prohibited conduct and its recurrence. In some instances, this may lead to the removal of the person accused of retaliation from campus pending resolution of the matter.

“Sex Discrimination” means gender-based harassment, sexual assault, sexual violence, or sexual misconduct.

“Sexual Assault” means a forcible or nonforcible sex offense as follows:

Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

1. Forcible Rape—(Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.
2. Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
3. Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
4. Forcible Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses, Nonforcible—Unlawful, nonforcible sexual intercourse.

1. Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

“Sexual Exploitation” means taking nonconsensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation may include, but are not limited to:

1. Intentionally exposing a private or intimate part of one’s body in a lewd manner;
2. Committing any other lewd act in a public place;
3. Prostituting another student;
4. Non-consensual photographing or video or audio recording of nude or sexually-explicit images or sexual activity and/or non-consensual transmitting, sending, disclosing or publicizing such images, videos, audio recordings, photographs or likeness, in whole or in part, by any means or medium, including but not limited to texting, email, live-streaming or social media;
5. Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to witness one’s consensual sexual activity.
6. Engaging in non-consensual voyeurism; and/or
7. Knowingly transmitting a sexually transmitted disease/infection or HIV to another person.

“Sexual Harassment” means conduct on the basis of sex that also satisfies one or more of the following: (1) employee conditioning the provision of an aid, benefit or service of the College on an individual’s participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College’s education program or activity; or (3) sexual assault (which includes dating violence, domestic violence and stalking, as defined herein).

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

“Supportive Measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the College’s educational environment, or deter sexual harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the College’s ability to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

III. Reporting and Complaint Procedures

A. General Principles

The College strongly encourages individuals affected by sex discrimination, sexual harassment and sexual assault (including dating violence, domestic violence and stalking) to report all such incidents and obtain support services. Although the College does not limit the time frame for reporting allegations or for filing a Formal Complaint under this Policy, the College can most effectively respond to allegations of sex discrimination, sexual harassment and sexual assault if a report is made as promptly as possible after the alleged violence or misconduct occurs.

B. Reporting Sexual Harassment; Supportive Measures

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), or retaliation under this Policy, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator below, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed below for the Title IX Coordinator.

Contact Information:

Rev. Dr. Christina L. Wendland, Associate Dean for Academic Affairs
Newberry College
2100 College St.
Newberry, SC 29108
803-321-5193 or christina.wendland@newberry.edu

Alternatively, any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment) or retaliation under this Policy, to a Responsible Employee, as defined herein, in person, by mail, by telephone, by electronic mail, the Incident Reporting Form on Wolf Den, or by any other means that results in the Responsible Employee receiving the person's verbal or written report. Responsible Employees must promptly advise the Title IX Coordinator of any report, allegations or observations of sexual harassment, including the identities of the individuals involved. This is required even if the person(s) affected by the Policy violation is unsure about pursuing a Formal Complaint. Failure of a Responsible Employee to comply with this paragraph may result in disciplinary action, up to and including termination.

Upon receiving a report of sexual harassment the Title IX Coordinator shall:

1. promptly contact the Complainant to discuss the availability of Supportive Measures;
2. consider the Complainant's wishes with respect to Supportive Measures;
3. inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint; and
4. explain to the Complainant the process for filing a Formal Complaint;
5. Confirm the method and manner for which the Parties involved desires to receive official notices and information for the duration of proceedings related to a report under

this policy. The parties will choose between mail, personal delivery (on campus only), or certified mail.

In all cases where a report of sexual harassment is made under this Subsection, the College will keep the Complainant's identity confidential (including from the Respondent), unless disclosing the Complainant's identity is necessary to provide Supportive Measures for the Complainant (e.g., where a no-contact order is appropriate and the Respondent would need to know the identity of the Complainant in order to comply with the no-contact order, or campus security is informed about the no-contact order in order to help enforce its terms).

Any person may choose to make a report anonymously. Where a person makes an anonymous report, the College will comply with this Section to the fullest extent possible, but may be limited in its ability to do so if the identity of the Complainant(s) is unknown.

All individuals are encouraged to report sexual misconduct that may also violate criminal law to both the College and to local law enforcement. These processes are mutually exclusive.

In accordance with South Carolina law, the College **requires** all personnel, including faculty, staff, students, as well as third-Parties, to report suspected child abuse of which they are made aware in their capacity of employment or duties. Any uncertainty about whether reporting Child Abuse should always be resolved in favor of making a report to law enforcement.

C. Formal Complaints of Sexual Harassment; Supportive Measures

A Complainant may file a Formal Complaint of sexual harassment against a Respondent the Title IX Coordinator in person, by mail, or by email, by using the contact information listed below for the Title IX Coordinator. A Formal Complaint must be a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. A Complainant may transform a report made via a Wolf Den incident report by affixing their physical or digital signature to the document. A Formal Complaint must allege sexual harassment against a Respondent and request that the College investigate the allegation(s) of sexual harassment. Complainants who seek to file a Formal Complaint are encouraged to use the Formal Complaint form attached to this Policy as Addendum A, but are not required to do so.

Contact Information:

Rev. Dr. Christina L. Wendland, Associate Dean for Academic Affairs

Newberry College

2100 College St.

Newberry, SC 29108

803-321-5193 or christina.wendland@newberry.edu

Reporting sexual harassment, whether verbally or in writing, to Responsible Employees or anyone other than the Title IX Coordinator, does not constitute a Formal Complaint.

Where a Complainant desires to initiate the Formal Complaint process, the Complainant cannot remain anonymous or prevent the Complainant's identity from being disclosed to the Respondent(s). However, based upon an anonymous report or complaint, the Title IX Coordinator may file a Formal Complaint by signing a document alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party under this Policy.

Upon receiving a Formal Complaint, the Title IX Coordinator shall:

1. promptly contact the Complainant to discuss the availability of Supportive Measures;
2. consider the Complainant's wishes with respect to Supportive Measures

D. Confidential Resources

Persons affected by sexual misconduct are encouraged to speak with confidential resources offered by the College, including but not limited to College counselors, nurses and pastors. Such confidential resources are bound legally-defined confidentiality privileges and are obligated to maintain confidentiality except in instances of child abuse and other circumstances prescribed by law.

E. Notice Under This Policy

Both the Complainant and Respondent will be required to select, at their first contact with the Title IX coordinator the manner in which they wish to receive notices as related to the reported allegations. The options for receipt of notice are via email, via hand-delivery (on campus only), or via certified mail. Under this policy, all notice will be considered received once the delivery method selected has been completed. If the email option is selected, the party agrees to truthful and accurately respond to a "read-receipt" request. If there is an address change affecting this provision, the party must immediately notify the Title IX coordinator of any address changes.

F. Amnesty

Students who make a report or file Formal Complaints in good faith under this Policy will not be disciplined by the College for a violation of the College's drug and alcohol possession or consumption policies that may have occurred in connection with the reported incident(s).

G. Removal Policy

Prior to removing a Respondent from its education program or activity on an emergency basis, the College shall: (1) undertake an individualized safety and risk analysis; (2) determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and (3) provide the Respondent and Complainant with notice of the emergency removal and provide the Respondent with an opportunity to challenge the decision immediately following the removal.

A Respondent seeking to challenge a decision ordering emergency removal must submit a written request specifying the reason(s) the emergency removal should be overturned to Ms. Adia Daniels, Assistant Dean of Students, within 5 days of receiving notice. A written notification of Ms. Daniels' decision as to whether the emergency removal is sustained or overturned will be provided to the Respondent and Complainant(s) within 3 days of receipt of Respondent's written request.

H. Administrative Leave

The College may determine to place a non-student employee Respondent on administrative leave during the pendency of the grievance process. The College, in its sole discretion, shall determine whether the leave will be paid or unpaid.

IV. Disposition of Formal Complaints and Pre-Investigation Process

A. Initial Review of Formal Complaint; Dismissal

Promptly upon receipt of a Formal Complaint, the Title IX Coordinator shall assess whether the Formal Complaint is to be dismissed on a required or permissive basis.

The Title IX Coordinator must dismiss a Formal Complaint, if any time during the investigation or hearing:

- (i) If the conduct alleged in the Formal Complaint would not constitute Sexual Harassment as defined under this Policy, even if proven;
- (ii) If the conduct alleged in the Formal Complaint did not occur in the College's education program or activity; or
- (iii) If the conduct alleged in the Formal Complaint did not occur against a person in the United States

The Title IX Coordinator may dismiss a Formal Complaint, if at any time during the investigation or hearing:

- (i) A complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- (ii) The Respondent is no longer enrolled or employed by the College;
- (iii) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator determines to dismiss the Formal Complaint, the Title IX Coordinator shall communicate the determination along with the reason(s) therefore ("Notice of Dismissal"), to the Parties simultaneously in writing, within 10 College Business days after receiving the Formal Complaint. The Parties shall have an opportunity to appeal the dismissal pursuant to the procedures set forth in this Section. If the Title IX Coordinator determines not to dismiss the Formal Complaint, the Title IX Coordinator shall provide notice of the allegations to the Parties as prescribed by Section IV - F, within 7 days after receiving the Formal Complaint.

Prior to signing a Formal Complaint, Title IX Coordinator shall first assess whether the allegations meet the definition of Sexual Harassment under this Policy. The Title IX Coordinator shall not sign a Formal Complaint that requires dismissal under this Section.

B. Appeal of Dismissal of Formal Complaint

Any Party may appeal a dismissal of a Formal Complaint by submitting a written notice of appeal of dismissal ("Appeal of Dismissal"), explaining the reason(s) therefore, to the Title IX Coordinator within 3 days of receiving the Appeal of Dismissal. A Party may appeal dismissal on the following grounds

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time the determination regarding dismissal was made, that could affect the outcome of the matter; and/or
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter

Promptly upon receiving any Appeal(s) of Dismissal, the Title IX Coordinator shall notify all other Parties in writing and provide them with 3 days to submit a written statement in support of, or challenging, the dismissal. The Title IX Coordinator will submit the Appeal(s) of Dismissal to Dr. Sandra Rouse, Dean of Students for consideration. Dr. Rouse shall consider any Appeal(s) of Dismissal and simultaneously provide the Parties with a written decision, including the reason(s) therefore, within 10 days of receipt of any Appeal(s) of Dismissal or additional written statements in support of, or challenging, the dismissal, whichever is later. This decision is final and not subject to further review.

C. Surviving Allegations After Dismissal of Formal Complaint

In instances where the Title IX Coordinator determines to dismiss a Formal Complaint, but the Formal Complaint alleges sexual or other misconduct that may violate other College policies, the Title IX Coordinator shall communicate in the Notice of Dismissal that the allegations may violate other College policies and will be addressed in accordance with such policies. Generally speaking, the identity of the Respondent(s) will determine which Policy will apply to a matter involving sexual misconduct that is dismissed under this Policy but that may violate other College policies. Notwithstanding, the College maintains sole discretion as to whether such other sexual misconduct and/or other misconduct will be addressed under its Student Code of Conduct or Anti-Harassment Policy.

D. Consolidation

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances. The decision of whether and how to consolidate Formal Complaints is within the Title IX Coordinator's discretion. Where a grievance process involves more than one Complainant or more than one Respondent, references to the singular "Party," "complainant," or "respondent" include the plural, as applicable.

Where a Formal Complaint makes allegations of Sexual Harassment that survive dismissal, but also alleges sexual or other misconduct that may violate another College Policy(ies), arising out of the same facts or circumstances and involve more than one Complainant, more than one Respondent, or counter-complaints by a Party(ies) against another Party(ies), the Title IX Coordinator may, within his or her discretion and in accordance with such other College Policy(ies), consolidate all such allegations and potential violations and adjudicate them under the process prescribed by this Policy. Similarly, where there are multiple Complainants and one Respondent, the Title IX Coordinator may, within his or her discretion, consolidate the Formal Complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances.

The Title IX Coordinator shall endeavor to make decisions regarding consolidation as early in

the Grievance Process as possible. When the Title IX Coordinator determines to consolidate Formal Complaints or allegations under this Section, he or she shall advise the Parties of the consolidation in the Notice of Allegations under Section IV.F, or in a writing as soon thereafter as practicable.

E. Continuing Review

If at any time, the Title IX Coordinator receives information or evidence that may indicate that the Formal Complaint is required to be dismissed or may be dismissed under this Section, he or she shall assess whether the Formal Complaint is to be dismissed on a required or permissive basis in light of the new information or evidence. If at any time the investigator or member of the Hearing Panel receives information or evidence that may indicate that the Formal Complaint is required to be dismissed or may be dismissed under this Section, they shall immediately notify the Title IX Coordinator and provide the Title IX Coordinator with the new information or evidence in writing; the Title IX Coordinator shall then assess whether the Formal Complaint is to be dismissed on a required or permissive basis in light of the new information or evidence. If the Title IX Coordinator determines to dismiss the Formal Complaint, the Title IX Coordinator shall follow the procedure relating to dismissals in this Section. However, if the Formal Complaint being dismissed had been consolidated with allegations of sexual or other misconduct under another College Policy(ies), such allegations of sexual or other misconduct may continue to be investigated and/or adjudicated in accordance with applicable College Policy(ies), which shall be indicated in the Notice of Dismissal. If the Title IX Coordinator determines not to dismiss the Formal Complaint, the Title IX Coordinator shall keep a written record of the reason(s) for his or her decision. Any party may appeal the dismissal of the Formal Complaint at that time, using the procedures in Section IV - B above. Add to appeal process for dismissal of formal complaint.

F. Notice of Allegations

Within 3 days after determining that the Formal Complaint is not subject to dismissal and shall proceed, or, in the event a Party appeals a dismissal, within 3 days of the issuance of a decision affirming the appeal dismissal, the Title IX Coordinator shall provide written notice of the allegations ("Notice of Allegations") to the Parties who are known, which shall include the following:

- (i) Notice of the College's grievance process, including its informal resolution process, under this Policy;
- (ii) Notice of the allegations of sexual harassment potentially constituting Sexual Harassment as defined in this Policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- (iii) Sufficient details include the identities of the Parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
- (iv) A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- (v) A statement informing the Parties that they may have an advisor of their choice,

who may be, but is not required to be, an attorney, who may accompany them to any related meeting or grievance proceeding. The statement shall explain that the College shall not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

(vi) A list of the names and titles of available advisors from which to choose, and a statement that the Parties must notify the Title IX Coordinator of their choice of advisor within 10 days of the Written Notice; and

(vii) A statement informing the Parties that they may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the investigator(s) does not intend to rely in reaching a determination regarding responsibility, and including inculpatory or exculpatory evidence whether obtained from a Party or other source;

(viii) A statement informing the Parties of that the College's Student Code of Conduct and Anti-Harassment Policy prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If the Title IX Coordinator consolidated two or more Formal Complaints, the Notice of Allegations must advise the Parties of such consolidation with other Formal Complaint(s). Similarly, if the Title IX Coordinator consolidated a Formal Complaint(s) with allegations of sexual or other misconduct under another College Policy(ies), the Notice of Allegations must include such charges of sexual or other misconduct and specify the provisions and policies alleged to have been violated, and must advise the Parties of such consolidation, including the allegations and charges.

G. Amended Notice of Allegations

If, in the course of an investigation or proceeding, the College receives an additional Formal Complaint(s) arising out of the same or related facts or circumstances or involving some or all of the same Parties and/or witnesses, the Title IX Coordinator shall apply the process set forth in Section IV-A as to whether to dismiss the additional Formal Complaint(s). Similarly, if, in the course of an investigation or proceeding, the Title IX Coordinator receives information or allegations arising out of the same or related facts or circumstances or involving some or all of the same Parties and/or witnesses, which may prompt the Title IX Coordinator to consider signing a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint(s) and consolidate such Formal Complaint(s) with the already-pending Formal Complaint. Title IX Coordinator may pause the proceedings to the extent necessary in order to comply with the process prescribed by Section __ of this Policy. If the Title IX Coordinator determines not to dismiss the additional Formal Complaint(s), he or she may consolidate the additional Formal Complaint(s) with the current investigation or proceeding, within his or her discretion. In such event, the Title IX Coordinator shall send a revised Notice of Allegations to the Parties, which shall advise the Parties of such consolidation with other Formal Complaint(s), and of any new or additional allegations and charges.

If, in the course of an investigation or proceeding, the College receives information, allegations, or evidence that may indicate an additional violation another College Policy arising out of the same facts or circumstances or involving some or all of the same Parties, the Title IX Coordinator, within his or her discretion, may decide to consolidate the additional charges in accordance with

applicable College Policy(ies) with the pending proceeding under this Policy. In such event, the Title IX Coordinator shall send a revised Notice of Allegations to the Parties, which shall advise the Parties of such consolidation with other Formal Complaint(s), and of any new or additional allegations and charges.

H. Admission to Charges

If, in the course of an investigation or Grievance Process, the Respondent accepts responsibility for the charges by submitting a written notice to the Title IX Coordinator, the investigator will continue and conclude the investigation. In such case, an abbreviated hearing will be held in order to consider sanctions only. In consolidated cases involving multiple Respondents where only one or some Respondents accept the charges, or in cases the Respondent only accepts some charges but not others, the Grievance Process shall proceed in the ordinary course with regard to the remaining Respondents or charges.

I. Choice of Advisor

As stated above, the Parties are entitled to one (1) advisor of their choice, who may be, but is not required to be an attorney. Advisors must either be professionals (e.g., attorneys or experienced advocates) or at least adults capable of understanding the purpose and scope of cross-examination. The College maintains a list of neutral advisors that are available to the Parties at no cost. Should a Party choose to engage an advisor that the College does not provide, the Party is responsible for any such costs and fees associated with said advisor.

Within 10 days of the Written Notice, each Party shall submit a written notification of advisor selection ("Advisor Selection Notice") to the Title IX Coordinator. The Advisor Selection Notice must indicate the Party's top five advisor choices from the list of available advisors, unless the Party seeks to engage an outside advisor or attorney on their own accord, in which case such Party shall provide the name, title and contact information for such outside advisor or attorney.

The Title IX Coordinator shall assign each Party their first choice of advisor, unless: (i) the advisor becomes unavailable due to illness, incapacity, death or any other legally-justifiable reason; or (ii) another Party or Parties also indicates the same advisor as their first choice. In the event a Party's first choice advisor becomes unavailable, the Title IX Coordinator shall assign the Party their next choice advisor, assuming availability. In the event multiple Parties indicate the same advisor as their first choice, the Title IX Coordinator shall use a neutral method such as flipping a coin or putting names in a hat to determine which Party shall be assigned their top choice in advisor. A Party who does not get assigned to their top choice in advisor shall be assigned their next choice in advisor, assuming availability. Unless a Party has provided notice that they have selected an outside advisor or attorney, the Title IX Coordinator shall confirm in writing with each Party the name and contact information of their assigned advisor within 12 days of the Written Notice.

A Party who chooses to use an outside advisor or attorney may seek to use a different outside advisor or attorney at any time, or may instead seek to request a College-provided advisor, upon written notice to the Title IX Coordinator. A Party who chooses to use a College-provided advisor may seek to instead use an outside advisor or attorney at any time, upon written notice to the Title IX Coordinator. A Party who chooses to use a College-provided advisor may request a different College-provided advisor at any time by submitting a written request to the Title IX

Coordinator, including the reasons therefore.

V. Investigation

A. Timeframe

Upon receipt of a Formal Complaint, the Title IX Coordinator shall assign an investigator to gather information and prepare an investigative report. The assigned investigator shall promptly commence an investigation. In ordinary circumstances, the investigator shall complete the investigation within 30 days. The investigative report should be completed within 45 days after the referral. For good cause, these timeframes may be extended by the Title IX Coordinator with notice provided to all Parties

B. Evidence and Witnesses

The burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the investigator and not on the Parties. However, the investigator cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the investigator obtains that Party's voluntary, written consent.

The investigator shall provide at least five days written notice to a Party or witness whose participation is invited or expected, including the date, time, location, participants, and purpose of all investigative interviews or other meetings or proceedings.

The Parties shall have an equal opportunity to identify witnesses, including fact and expert witnesses, and to present other inculpatory and exculpatory evidence. The Parties shall not be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence. However, no individual shall attempt to alter or prevent a witness's testimony.

C. Investigative Interviews

The Parties shall have an equal opportunity to be accompanied by their advisor in any investigative interview or other meeting or proceeding under this Policy; however, advisors may not speak or participate during an investigative interview. A Party may take breaks in order to consult with their advisor. Upon approval of the College, a Party may have another person (other than the advisor) to attend an investigative interview or other meeting or proceeding under this Policy. No Party shall have the right to attend, or have their advisor attend, an investigative interview of another Party or witness.

D. Right to Inspect or Review Evidence

The investigator shall provide the Parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the investigator does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond

to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the investigator shall send to each Party and the Party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. Neither the Parties nor their advisors shall be permitted to disclose or disseminate the evidence to any person who is not a Party or witness or other participant in the Grievance Process. Before sending such evidence to the Parties for inspection and review, the investigator shall redact from such evidence any information that is not directly related to the allegations (or that is otherwise barred from use any provision of this Policy, such as information protected by a legally recognized privilege, or a Party's treatment records if the Party has not given written consent). The Parties shall have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

E. Investigative Report

The investigator shall complete the investigation and prepare an investigative report that fairly summarizes relevant evidence. The report may include credibility findings, but shall not make a determination regarding responsibility. The investigator shall redact from the investigative report any information that is not relevant, which is contained in documents or evidence that is relevant. At least 10 days prior to the hearing, the investigator shall send to each Party and the Party's advisor, if any, the investigative report, including all relevant evidence, in an electronic format or a hard copy, for their review and written response (if desired). The investigator shall concomitantly send the investigative report, including all relevant evidence, to the Title IX Coordinator. The Parties will have 5 days to submit any written response to the Title IX Coordinator.

F. No Bias or Conflict of Interest

Neither the Title IX Coordinator nor any individuals designated to serve as an investigator, decision-maker, or informal resolution facilitator shall have a bias or conflict of interest for or against Complainants or Respondents generally or an individual Complainant or Respondent. A Party may submit a written letter of concern relating to bias and/or conflict of interest at any time with the Title IX Coordinator; if the letter of concern relates to the Title IX Coordinator, the Party shall submit the letter to the Dean of Students. The Title IX Coordinator or the Dean of Students, shall promptly speak with the individual(s) alleged to have a bias or conflict of interest and conduct any other appropriate inquiry into the matter. The Title IX Coordinator or the Dean of Students shall make a determination as to whether the individual(s) alleged to have a bias or conflict of interest shall be removed from their role. If the individual(s) alleged to have a bias or conflict is removed from their role, the Title IX Coordinator or the Dean of Students shall appoint an alternate individual(s) to serve in their place. The decisions made under this paragraph are not subject to further review.

G. Investigations of Allegations of Misconduct Other than Sexual Harassment

Allegations of misconduct other than Sexual Harassment will be investigated in accordance with this Section but are not subject to the hearing procedures in Section VI of this Policy; rather, when such allegations are found to be substantiated by the investigator, a decision will be made pursuant to the Student Code of Conduct or policies applicable to faculty or employees, as appropriate.

VI. Hearing

A. Timing and Notice

A live hearing will be scheduled to take place no less than 10 days and no more than 30 days after the investigator sends the investigative report to each Party and the Party's advisor, if any. The Title IX Coordinator shall send the investigative report along with the relevant evidence to the Hearing Panel, and any timely received written response to the investigator, at least 5 days prior to the hearing.

No less than 10 days before the hearing, the Title IX Coordinator shall notify all Parties and Witnesses of the date, time and place of the hearing, or if the hearing is virtual, the access instructions. The notice shall request each Party and Witness to confirm their attendance in writing to the Title IX Coordinator no less than 7 days before the hearing.

B. Pre-Hearing Submission

No less than five days prior to the hearing, the Parties shall each submit a pre-hearing submission ("Pre-Hearing Submission") to the Title IX Coordinator, to be disseminated to the hearing panel ("Hearing Panel"). The Pre-Hearing Submission shall include:

- (i) A written statement as to whether the Party intends to bring an advisor of choice to the hearing, and if so, the name and contact information of such advisor;
- (ii) The Party's written response, if any, to the investigator's report;
- (iii) Any objections to the relevancy of any evidence; and
- (iv) Whether the Party intends to make opening and closing statements.

C. Questions About the Process

Prior to the hearing, all questions regarding hearing procedures shall be directed to the Title IX Coordinator in writing. The Title IX Coordinator shall endeavor to respond as promptly as possible, in most cases within 2 days. The questions and the Title IX Coordinator's response will be provided to both Parties and their advisors. Should any procedural questions arise during the hearing, such questions will be directed to the Hearing Panel.

D. Hearing Panel Constitution

The Hearing Panel will consist of five decision-makers composed of faculty and staff. Neither the Title IX Coordinator, the investigator nor a Party's advisor shall serve as a decision-maker. A three person Hearing Panel may hear a case when deemed necessary and approved by the Dean of Students or designee.

E. Hearing Officer

The decision-makers shall appoint one decision-maker to also serve as the hearing officer ("Hearing Officer"). The Hearing Officer shall oversee the hearing in accordance with this Policy.

F. Virtual and Live Hearings Permitted

Live hearings may be conducted with all Parties physically present in the same geographic location. At the request of either Party, or as may be necessary or appropriate due reason(s) within the College's discretion, the College will provide for the live hearing to occur virtually with any or all of the Parties, witnesses and other participants located in separate rooms or geographical locations with technology enabling the decision-makers and participants to simultaneously see and hear each other. Should any Party or advisor requiring any accommodations for the hearing, they should notify the Title IX Coordinator within 5 days of receiving the Notice of the Hearing.

G. Recording and Transcript

The College shall create an audio or audiovisual recording, or transcript, of all hearings and make it available to the Parties for inspection and review. The entire hearing must be recorded, including but not limited to cross-examination, opening and closing remarks, questions for the Hearing Panel, procedural discussions, objections and relevancy determinations, scheduling questions and the like. The Parties shall have an equal opportunity to inspect and review the recording or transcript of the hearing, however the College is not obligated to send the Parties a copy of the recording or transcript. Should a Party wish to have an audio or audiovisual recording transcribed, it may do so at his or her own expense.

H. Advisors

If a Party does not have an Advisor present at the live hearing, the College must provide without fee or charge to that Party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that Party. Advisors' participation in hearings is generally limited to cross-examination of the other Party and witnesses, including questions challenging credibility. At the conclusion of each Party's or witnesses' testimony, the Hearing Officer will ask each Party if their advisor has any additional questions for the Party witness. At that time, advisors may request that the Hearing Officer ask additional questions.

I. Cross-Examination and Relevance

Only relevant cross-examination and other questions may be asked of a Party or witness. The Hearing Panel must permit each Party's advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination must be conducted directly, orally, and in real time by the Party's Advisor of choice and never by a Party personally. The Hearing Officer will make real-time relevancy determinations related to each question asked prior to a witness or Party answering the question.

Where questioning or evidence is duplicative, the Hearing Panel may deem the questioning or evidence not relevant. Information protected by a legally-recognized privilege is not relevant.

Questions and evidence about the Complainant's sexual predisposition are not relevant. Questions and evidence about the Complainant's prior sexual behavior are not relevant except: (i) when offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or (ii) when specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

J. Party or Witness Not Subject to Cross-Examination

If a Party or witness does not submit to cross-examination at the hearing, the decision-makers must not rely on any statement of that Party or witness in reaching a determination regarding responsibility; provided, however, that the decision-makers cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. This provision does not preclude the decision-makers from reviewing evidence that may involve the Party or witness who refused to submit to cross-examination.

K. Rules of Decorum

The Hearing Officer of the panel is charged with the authority and discretion, consistent with what is required by this Policy, to impose rules of decorum and ensure that the live hearing proceed in an orderly, non-disruptive manner. All questioning must be relevant, respectful and non-abusive. Yelling or raised voices is not permitted and questions must be asked in a non-abusive and non-intimidating manner. Badgering of a Party or witness is prohibited; repetition of the same question will be deemed irrelevant and, therefore, is not permitted.

If a Party's advisor of choice refuses to comply with a recipient's rules of decorum, the Hearing Panel may require the Party to use a different advisor. Similarly, if an advisor that the College provides refuses to comply with the rules of decorum, the Hearing Panel may provide that Party with a different advisor to conduct cross-examination on behalf of that Party.

L. Rules of Procedure

L.1. Opening and Closing Statements

The Parties shall have the option of offering opening and closing statements of 5 minutes each.

L.2. Cross-Examination

The Hearing Panel has the right and responsibility to ask questions and elicit information the Parties and witnesses on its own initiative to aid the Hearing Panel in obtaining relevant evidence both inculpatory and exculpatory. After each Advisor completes their questioning of a Party or witness, the Hearing Panel may privately convene in order to prepare any relevant questions it may have for such Party or witness. The Hearing Panel shall then ask any relevant questions of such Party or witness.

L.3. Relevancy Determinations - Questions and Evidence

Before a Complainant, Respondent, or Witness answers a cross-examination or other question posed by an Advisor or a member of the Hearing Panel, the Hearing Officer shall determine whether the question is relevant and explain any decision to exclude a question as not relevant. In order to determine relevancy, the Hearing Panel may ask advisor the reason the advisor seeks such evidence. The Hearing Panel's decision is not subject to further challenge at that time and the hearing shall proceed in an orderly fashion. However, the Hearing Panel may send to the Parties after the hearing any revisions to its explanation of a relevance decision that was provided during the hearing.

L.4. Breaks

The Hearing Panel shall afford short, reasonable breaks during the hearing, at the direction of the Hearing Officer.

M. Standard of Evidence; Written Determination

The Hearing Panel must objectively evaluate all relevant evidence both inculpatory and exculpatory, and must not give deference to the investigative report. The Hearing Panel must apply the preponderance of evidence standard to reach a determination regarding responsibility.

Within 10 days of the conclusion of the hearing, the Panel shall simultaneously send a written determination letter ("Written Determination") to the Parties, which shall include:

- (i) Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy;
- (ii) A description of the procedural steps taken from the receipt of the Formal Complaint through the Hearing Panel's determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearing dates held;
- (iii) Findings of fact supporting the Hearing Panel's determination;
- (iv) Conclusions regarding the application of this Policy to the facts;
- (v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Hearing Panel determines to impose on the Respondent, and whether Supportive Measures will be provided for the Complainant; and
- (vi) The College's procedures and permissible bases for the Complainant and Respondent to appeal.

If the charges in the Notice of Allegations or Amended Notice of Allegations included other charges of sexual or other misconduct that were consolidated in the same proceeding, the Written Determination shall also provide the above-delineated information for said charges.

If an appeal is not timely filed, the determination regarding responsibility becomes final on the date on which the appeal would no longer be considered timely. If an appeal is filed, the determination regarding responsibility becomes final on the date that the Title IX Coordinator provides the Parties with the Written Determination of the result of the appeal.

N. Disciplinary Sanctions, Remedies and Supportive Measures

Remedies must be designed to restore or preserve equal access to the College's education program or activity. Remedies may include disciplinary sanctions and/or Supportive Measures. The College shall not impose Supportive Measures against a Respondent unless and until a determination of responsibility for Sexual Harassment has been made against the Respondent pursuant to the Grievance Procedure set forth in this Section.

Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The College will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide the Supportive Measures.

The following disciplinary sanctions may be imposed upon a student responsible for a violation of this Policy, either singly and/or in combination:

N.1. Expulsion

Expulsion is permanent disciplinary separation from the College involving denial of all student privileges. Expulsion shall be effective on the date of notice of the expulsion, or later if so stated in the notice; and shall be entered into the student's permanent record (transcript). Students separated from the College by expulsion may not enter College premises or College-related premises without securing prior approval from the Dean of Students.

N.2. Suspension

Suspension is temporary disciplinary separation from the College involving denial of all student privileges. Suspension shall be effective on the date of notice of the suspension or later if so stated in the notice; shall be entered into the student's permanent record (transcript); and shall prescribe the date and conditions upon which the student may petition for readmission. Conditions for readmission may include, but are not limited to, disciplinary probation for a specified length of time; non-residence on campus; and restricted visitation to specified campus facilities. Students separated from the College by suspension may not enter College premises or College-related premises without securing prior approval from the Dean of Students. The suspension notation may be removed from the student's permanent record, by the Registrar, upon the student's graduation, by petitioning the Dean of Students, within the Dean's discretion. The suspension notation may also possibly be removed earlier by petitioning the Dean of Students, within the Dean's discretion.

N.3. Residence Hall Separation

Residence Hall Separation involves removal from the campus residence hall community. Such separation may be permanent or for a specified number of semesters. Such separation prohibits accessibility to all or designated residence halls and associated dining facilities. Visitation will not be permitted without securing prior approval from Assistant Dean of Students or Dean of Students. In no case will separation be less than the remainder of the semester in which it takes place. Conditions for readmission to the residence hall may include, but are not limited to, disciplinary probation for a specified length of time; and restricted visitation to specified campus facilities.

N.4. Disciplinary Probation

A period of review and observation during which a student has been officially notified that his/her conduct, although not serious enough to warrant suspension, was very inappropriate. Subsequent violations of College rules, regulations or policies (even after a particular

probationary period expires) could result in a more severe sanction. Disciplinary Probation is a status which involves restrictions, conditions or terms imposed for a definite period of time. Restrictions, conditions, or terms of probation may include but are not limited to: ineligibility to participate in all campus activities, events and/or sports; periodic contact with a designated member of the campus community; restrictions on accessibility to College facilities and/or housing areas; and change of housing assignment. Restrictions, conditions, and terms will be imposed for a specific length of time not to exceed the length of the probationary period. Failure to comply with the terms and conditions of the probation or additional behavior in violation of this code during the probationary period will likely result in more serious disciplinary action.

N.5. Conduct Probation

A period of review and observation during which a student has been officially notified that his/her conduct, although not serious enough to warrant suspension, was very inappropriate. Subsequent violations of College rules, regulations or policies (even after a particular probationary period expires) could result in a more severe sanction. Conduct Probation is a status which may involve restrictions, conditions or terms imposed for a definite period of time not to exceed the length of the probationary period. Restrictions, conditions, or terms of probation may include but are not limited to: periodic contact with a designated member of the campus community; restrictions on accessibility to College facilities and/or housing areas; and change of housing assignment. Restrictions, conditions, and terms will be imposed for a specific length of time not to exceed the length of the probationary period. Failure to comply with the terms and conditions of the probation or additional behavior in violation of this code during the probationary period will likely result in more serious disciplinary action.

N.6. Conduct Warning

Conduct Warning involves written notice to the student indicating that specific behavior or activity was in violation of this Policy and that repetition of similar or other unsatisfactory behavior would likely result in more serious disciplinary action. Conduct Warning may also involve conditions, such as those listed above, that are intended to be educational in nature.

N.7 No Contact Order

An order of 'no contact' is a restriction of contact between Parties, included direct and indirect contact, through a third-Party, and/or through technology or social media. It may be imposed for a specified period of time, or permanently.

N.8. Educational Sanctions

Including but not limited to: required participation in or attendance at appropriate educational program(s); sexual misconduct education or counseling; community service; apologies, essays or other appropriate discretionary assignments that fulfill the goals of education and reconciliation. The cost for attendance or participation is at the expense of the student. Note: Community service cannot be part of an event, sport, etc. the student is already involved in.

N.9. Transcript Notation

A temporary or permanent notation on the student's permanent record (transcript) that the student was found responsible for a violation of this Policy may be imposed.

The disciplinary sanctions that may be imposed upon an employee found to be responsible for a violation of this Policy, either singly and/or in combination, include but are not limited to written warning, disciplinary probation, reassignment or transfer, remedial measures such as trainings and educational programs, and/or termination. Where the Hearing Panel determines that a tenured faculty member is to be terminated, the case must then proceed through the procedures for termination of tenure specified in the Faculty Policies Manual.

VII. Appeals

Any Party may appeal a Written Determination by submitting a written notice of appeal of determination ("Appeal of Determination"), explaining the reason(s) therefore, to the Title IX Coordinator within 10 days of receiving the Written Determination. A Party may appeal the Hearing Panel's decision on the following grounds:

- Procedural irregularity (i.e. an error or mistake in the way the investigation or hearing) that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and/or
- The sanctions assessed are substantially disproportionate to the findings.

The disciplinary sanction will remain in place during the appeal process.

Within three days of receiving any Appeal(s) of Determination, The Title IX Coordinator will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final, and the Parties shall be notified in writing.

If the appeal has standing, the Title IX Coordinator shall notify all other Parties in writing and provide them with 5 day to submit a written statement in support of, or challenging, the determination. After the 5 day period, the Title IX Coordinator will submit the Appeal(s) of Determination, and any additional written statements in support of, or challenging, the determination, to the Appellate Panel for consideration. The Appellate Panel shall consist of three Campus Disciplinary Board members not previously involved in the case. The members of the Appellate Panel are appointed by the Assistant Dean of Student Affairs.

An appeal is not a hearing. The Appellate Panel will not hear testimony other than in exceptional circumstances within the Appellate Panel's discretion. The Appellate Panel shall consider Appeal(s) of Determination, and any additional written statements in support of, or challenging, the determination, and make a decision. The Appellate Panel will make a decision either upholding, overturning, or modifying the Written Determination and/or disciplinary sanction(s), and simultaneously provide the Parties with a written decision, including the reason(s) therefore, within 10 days. This decision is final and not subject to further review.

VIII. Informal Resolution

Where the facts alleged in a Formal Complaint are not contested, or where the Respondent(s) has admitted, or wishes to admit responsibility, or where the Parties want to resolve a case without a completed investigation or adjudication, informal resolution may be an appropriate solution. Informal resolution may include, but is not limited to, mediation and conciliation, and various forms of restorative justice, to be determined within the discretion of the Title IX coordinator.

An informal resolution process may be available at any time: (1) after a Formal Complaint has been filed and is not dismissed pursuant to Section IV-A of this Policy; (2) after a Notice of Allegations has been issued to the Parties; and (3) prior to the Hearing Panel reaching a determination regarding responsibility. The Title IX Coordinator may choose to offer the Parties an informal resolution process. Alternatively, any Party may submit a written request to the Title IX Coordinator for an informal resolution process. The decision as to whether to offer or grant a request to engage an informal resolution process resides within the sole discretion of the Title IX Coordinator. An informal resolution process may take place, if deemed appropriate by the Title IX Coordinator, where only some Parties to a Formal Complaint (or consolidated Formal Complaints) seek to participate. In such a case, adjudication of the Formal Complaint (or consolidated Formal Complaints) shall continue as between the Parties who do not participate in the informal resolution process. Notwithstanding, an informal resolution process is never available to resolve: (i) allegations that an employee sexually harassed a student; (ii) allegations of sexual assault.

When the Parties have indicated to the Title IX Coordinator their assent to engage in an informal resolution process, the Title IX Coordinator shall provide the Parties with a written notice of information resolution ("Notice of Informal Resolution") which shall include:

- (i) a statement of the allegations;
- (ii) a statement that no Party is required to participate in an informal resolution process;
- (iii) a statement that any Party may withdraw from the informal resolution process and resume the grievance process with regard to a Formal Complaint arising from the same allegations at any time prior to signing a resolution agreement;
- (iv) a statement that the Parties are required to keep all information and communications relating to the informal resolution process confidential both during and after the informal resolution process;
- (v) a statement that any statements or admissions disclosed during the informal resolution process shall remain confidential and shall not be used in a subsequent investigation or proceeding arising out of the same or any other Formal Complaint
- (vi) a statement that records relating to the informal resolution process will be maintained by the Title IX Coordinator and may be shared or disclosed in accordance with this Policy, FERPA and/or applicable federal or state law;
- (vii) a statement that notwithstanding the confidentiality requirements of the informational resolution process, should the informal resolution process fail to satisfactorily resolve the matter, or if any Party withdraws from the informal resolution

process, no Party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence after the matter is referred back to the Title IX Coordinator for investigation and/or adjudication under this Policy;

(viii) a statement that all Parties must provide their voluntary, written consent to engage in to the informal resolution process to the Title IX Coordinator;

(ix) a statement that a record of the outcome, including a resolution agreement, if any, will be maintained by the Title IX Coordinator; and

(x) A statement that should the informal resolution process fail to satisfactorily resolve the matter, or if any Party withdraws from the informal resolution process, the matter shall be promptly referred back to the Title IX Coordinator for investigation and/or adjudication under this Policy.

Upon receipt of each Party's voluntary written consent to participate in an informal resolution process, the Title IX Coordinator shall refer the matter to an informal resolution facilitator. The informal resolution facilitator shall promptly contact the Parties in writing to commence the informal resolution process, which may occur in person and/or virtually.

The College is not required to provide the Parties with advisors prior to entering into an informal resolution process, nor must it ensure that the Parties confer with advisors prior to entering into an informal resolution process. Advisors are not permitted to participate in an informal resolution process.

In the event a Formal Complaint is not resolved by way of an informal resolution process, the informal resolution facilitator shall not serve as a witness in a related investigation or hearing.

Outcomes of an informal resolution process may include, but are not limited to, any of the following (or any combination thereof):

- Make the Respondent(s) aware that his/her behavior is being perceived as Sexual Harassment, and make clear that the behavior is prohibited by this Policy;
- Make the Respondent aware that the purpose of this discussion is to achieve a change in behavior;
- Make clear that Policy forbids any retaliation against the Complainant, or against anyone who participates in any process under this Policy.
- Suggest possible resolutions of the problem, including but not limited to: a change in the offensive behavior, counseling, an apology to the Complainant(s), a reevaluation of a grade, extension of deadlines or other course-related adjustments, modifications of work or class schedules, leaves of absence, campus escort services, increased security and monitoring of certain areas on campus, mutual restrictions on contact between the Parties or a change in the relationship between the Parties (i.e., changed advisor, class enrollment, athletic travel/hotel accommodations, or work or housing assignments);
- Make the Respondent(s) aware that a record of the outcome will be maintained by the Title IX Coordinator;

- Provide or continue Supportive Measures for the Complainant;
- Disciplinary measures designed to punish Respondent(s).

A resolution reached by way of an informal resolution process shall become final and binding upon all Parties signing a resolution agreement. Any resolution agreement shall continue the requirement that the Parties keep all information and communications relating to the informal resolution process confidential, and may contain additional confidentiality requirements as agreed by the Parties.

The informal resolution process should be completed within 10 days of the time a Notice of Informal Resolution is sent to the Parties. Should the informal resolution process fail to satisfactorily resolve the matter, or if any Party withdraws from the informal resolution process, the matter shall be promptly referred back to the Title IX Coordinator for investigation and/or adjudication under this Policy.

IX. Additional Considerations

A. Confidentiality

The College must keep confidential the identity of Complainants, Respondents and witnesses, except as may be permitted by FERPA, as required by applicable law or as necessary to carry out a proceeding under this Policy. To the extent disclosure of the identity of Complainants, Respondents and/or witnesses is required by applicable law or is necessary to carry out a proceeding under this Policy, the College will make such disclosure only to the extent necessary.

Parties, advisors and witnesses are prohibited from photographing, scanning or recording by audio, video or other means the evidence, or disseminating the evidence to third Parties or to the public. Should dissemination become necessary for litigation or other legal proceedings, the individual contemplating disclosure must advise all relevant participants of the pending disclosure and allow a reasonable time period for a Party to contest the disclosure.

The Title IX Coordinator may, within his or her discretion, require the Parties, advisors and/or witnesses to advisors to sign appropriate non-disclosure agreements (in accordance with applicable law).

The College retains the discretion to determine what additional measures, if any, are reasonably appropriate to allow the Parties to respond to and use the evidence at a hearing, while preventing the evidence from being used in an impermissible manner as long as such measures apply equally to both Parties and do not restrict the ability of a Party to discuss the allegations under investigation or to gather and present relevant evidence. For example, such measures may be used to address sensitive materials such as photographs with nudity.

Nothing in a non-disclosure agreement, or in this Section or any other Section of this Policy, shall restrict the ability of a Party to discuss or communicate about the allegations under investigation (e.g., with a parent, friend, or other source of emotional support), or to gather and present relevant evidence.

B. Access to Records

Parties may request access to records under this Policy by submitting such request in writing to

the Title IX Coordinator. In considering such requests, The Title IX Coordinator shall assess the request in light of FERPA and any other applicable federal and/or state laws. If the request is granted, the Title IX Coordinator may grant the requesting Party the opportunity to review and inspect such records, which may be made available in redacted form. The Title IX Coordinator shall respond to requests for access to records within 25 days.

C. Interpretation and Construction

The headings and subheadings employed herein are provided for ease of reference only, and shall not be construed to limit the rights and responsibilities set forth in this Policy. In all cases, this Policy shall be interpreted consistent with the spirit and purpose of Title IX.

D. Timelines and Deadlines

The timeframes prescribed under this Policy may be subjected to limited extension of time frames for good cause upon written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a Party, a Party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. Decisions relating to extensions and delays shall be made by the Title IX Coordinator.

When any deadline or prescribed time period under this Policy falls on a Saturday, Sunday or holiday recognized by the College, the deadline or prescribed time period shall be extended to the next business day.

ACADEMIC INTEGRITY

POLICIES AND PROCEDURES GOVERNING ISSUES OF ACADEMIC INTEGRITY

GENERAL PROVISIONS AND DEFINITIONS

The Newberrian Creed (see page 5) is a code of honor that applies to all students of Newberry College and expects ethical behavior in all academic and social life. The Office of Academic Affairs is the academic arm of the College that investigates alleged academic violations of the Creed and sets policy regarding incidents involving academic integrity.

A "Student" is defined as any person who is admitted, enrolled or registered for study at Newberry College for any academic period. A person shall also be considered a student when the person is attending or participating in any activity preparatory to the beginning of school including, but not limited to, orientation, placement testing, and residence hall check-in.

An "Instructor of Record" is defined as the person officially responsible for the evaluation of academic performance in a course or educational program of the College.

"Dean" is defined as the Dean of the College charged with overseeing the academic program.

The "Office of Academic Affairs" is responsible for considering all complaints of academic misconduct or allegations of anyone violating the Creed.

An "Academic Integrity Committee" is defined as the group of faculty and students who hear cases of alleged academic violations of the Newberrian Creed, and is composed of faculty members and students as designated by the Dean of the College. Faculty members and student members are appointed by the Dean of the College. This committee consists of three faculty members and two undergraduate students.

"Faculty Council" is an elected body of faculty that will consider appeals cases decided by the Academic Integrity Committee when any party to the case formally appeals on grounds set forth in the College's academic disciplinary procedures.

An "Academic Program" is defined as any undergraduate course, independent study or research for academic credit, internship, externship, clinical program, practicum, field placement, or other form of study or work offered in furtherance of the academic mission of the College. Academic work includes any work performed or assigned to be performed in connection with any academic program.

The Creed is intended to prohibit all forms of academic dishonesty and should therefore be interpreted broadly toward that end. The following examples illustrate conduct that violate this Creed, but this list is not intended to be an exhaustive compilation of conduct prohibited by the Creed:

Cheating, i.e., giving or receiving unauthorized assistance, or attempting to give or receive such assistance, in connection with the performance of any academic work.

- Unauthorized use of materials or information of any type or the unauthorized use of any electronic or mechanical device in connection with the completion of any academic work.
- Access to the contents of any test or examination or the purchase, sale, theft of any test or examination prior to its administration.
- Plagiarism, i.e., use of another person's work of ideas without proper acknowledgement of source or intentional omission of material fact, so as to mislead any person in connection with any academic work (including, without limitation, the scheduling, completion, performance, or performance in an academic program).

Whenever a student is uncertain as to whether conduct would violate the Creed, it is the responsibility of the student to seek clarification from the appropriate faculty member or instructor of record prior to engaging in such conduct.

STUDENT'S RIGHTS IN THE ACADEMIC INTEGRITY PROCESS:

- 1.1 The following provisions apply to participants in all hearing processes conducted by the College or conducted by the College's delegated authority.
 - 1.1.1 Each individual charged with Creed violations has the following rights that are protected throughout the hearing process.
 - 1.1.1.1 The right to be notified in writing of the charges against him/her with sufficient time to prepare for a hearing. In the event that additional charges are brought forward, a further written notice, must be forwarded to the student.
 - 1.1.1.2 The right to be notified of the date, time, and place of formal hearings at least five (5)

College business days prior to the hearing.

- 1.1.3. The right to know the nature and source of the evidence used in a hearing process. This includes the right upon the student's request to review all documents and exhibits to be introduced at a hearing as well as a list of witnesses asked to testify at the hearing.
- 1.1.4. The right to present evidence on his or her own behalf. A person's knowledge or intent may be inferred from the circumstances of an alleged violation.
- 1.1.5. The right to refuse to answer any questions or to make a statement. However, the hearing authority may draw inferences from this refusal.
- 1.1.6. The right to question witnesses. The Committee may rule on the relevance of these questions.
- 1.1.7. The right to be accompanied by an advisor throughout the hearing process. The advisor, with the written permission of the charged student, may:
 - Advise the charged regarding preparation for the hearing;
 - Accompany the charged to all proceedings

NOTE: Advisors are not permitted to participate directly in the hearing process or to speak for the charged student. Advisors must be members of the Newberry College community. At no point, are outside advisors, including attorneys, allowed to participate in the process.

2.1 Procedures for Resolution of Allegations of Violations of the Newberrian Creed:

2.1.1. Academic Resolution.

- When an instructor of record suspects a student has violated the Newberrian Creed, the instructor must notify the student in writing of his/her suspicion within 10 days of discovery.
 - The instructor shall set up a meeting with the student to resolve the issue as quickly as possible.
 - The instructor will make inquiry of the Office of Academic Affairs concerning any other possible violations of academic integrity.
- The student should meet with the instructor of record to discuss the possible academic integrity violation.
 - The instructor should have a faculty witness of the conversation
 - The student may have a witness of the conversation if they desire.
- If the student accepts responsibility, the instructor of record will impose one of the following academic penalties.
 - Enter a letter grade of "F" for the assignment (first offense only); complete the Academic Integrity Violation Form and return it to the Office of Academic Affairs.
 - Enter a letter grade of "F" for the course (for second offenses or particularly egregious offenses); complete the Academic Integrity Violation Form and

return it to the Office of Academic Affairs; recommend to the Dean that a Non-Academic Sanction be levied.

- If the student does not accept responsibility, or fails to show up for the meeting with the instructor of record, then based on the preponderance of evidence, the instructor of record will determine the academic penalty and follow the steps above.
 - The student retains the right to appeal the sanction imposed by the instructor, through the Office of Academic Affairs.

2.1.2. Non-Academic Resolution. A non-academic resolution is the disciplinary punishment imposed by the college, which may be in addition to any grade penalty.

- All allegations must be referred to the Office of Academic affairs.
- The instructor of record may make a recommendation to the Office of Academic Affairs regarding non-academic sanctions (see Section 5).
- The student will have the opportunity to meet with the Dean (or designee) to determine the nature of the recommended non- academic penalty, if any.
- At the conclusion of the meeting between the charged student and the Dean (or designee), the Dean (or designee) will choose one of the following options:
 - to dismiss the charges if they are unsupported by evidence, OR
 - to recommend one of the options below to resolve the charges.
 - If a charge is warranted, the Office of Academic Affairs will send written notification to the charged student indicating what sections of the Newberrian Creed were allegedly violated.

If the charged student fails to meet with the Dean, a hold may be placed on the student's registration preventing him/her from registering for future classes until the matter is resolved. Any student who has an outstanding allegation of Creed violation cannot graduate until the matter has been resolved.

OPTIONS AND RESOLUTION PROCEDURES FOR ALLEGATIONS OF VIOLATIONS OF THE NEWBERRIAN CREED

Students who have violated the Newberrian Creed are subject to both academic and non-academic penalties.

- 3.1 Outcomes of the initial meeting with the student. When the Dean (or designee), meets initially with a student regarding an allegation of a violation of the Creed, there are four possible outcomes of that meeting:
- Student does not contest the allegation(s) or sanctions.
 - Student does not contest the allegation(s), but contests the sanctions. If a student only contests the sanctions of a Creed violation, please see section 3.2 for procedures for resolution.
 - Student contests allegations. If a student contests the allegation(s), please see section 3.2 for procedures for resolution.
 - Allegation is dismissed by the Dean.

3.2 Academic Integrity Committee Hearing -

A case can be referred to the Academic Integrity Committee for one of two reasons:

- There is a material question of fact that cannot be resolved by the Dean of the College or his/her designee.
- The charged student may appeal (see section 7). The charged student must be informed that sanctions can increase.

Within five (5) business days of the hearing, barring special circumstances requiring an extension of this time limit, the Academic Integrity Committee or designee will send the charged student a letter, via campus mailbox, which indicates the findings of "Responsible" or "Not Responsible" for the charges and any sanctions imposed.

NOTE: Should a charged student fail to appear for an Academic Integrity Committee Hearing, that student will be considered to have waived his/her right to represent themselves in the hearing and a decision will be made in their absence.

Composition of Academic Integrity Committee

- 4.1 The Dean of the College appoints three (3) faculty and two (2) students to comprise the Academic Integrity Committee. One of the three (3) serving faculty members shall serve as chair of the Committee and shall vote only in cases of a tie.

A quorum of the members of the Academic Integrity Committee is required for a judicial proceeding to take place and for the actions of that body to be authoritative and binding. A quorum of this body consists of a minimum of two (2) faculty and one (1) student.

FINDINGS

- 5.1 The outcome of an Academic Integrity Committee hearing will be one of the following:
- Responsible: The Academic Integrity Committee or Dean determined beyond a preponderance of the evidence ("...more likely than not :) that a violation of the Creed occurred.
 - Not Responsible: Insufficient evidence exists to warrant a responsible finding.

SANCTIONS

- 6.1 The scholastic evaluation of all academic work remains within the purview of the instructor of record. However, an instructor of record who issues an academic penalty when an informal administrative meeting or Academic Integrity Committee hearing issues a finding of "not responsible" should be aware that such penalty may be subject to the College grievance policy. All academic penalties are separate from non-academic sanctions, but may be taken into account.
- 6.2 The Academic Integrity Committee serves as the final authority for the imposition of sanctions for violations of the Creed. The following sanctions may be imposed upon a student found to have violated the Creed:
- **Expulsion from the College.** Expulsion is permanent dismissal from the College and can only be imposed by the Academic Integrity Committee. The student must leave the college within 24 hours of notification of the final decision. An expelled student is not

allowed on College property without prior approval of the Academic Dean (or Dean of Students). An expulsion is noted on the student's official transcript and a copy of the letter stating the penalty will be forwarded to the student's parents or legal guardians if a waiver has been signed.

- **Suspension.** The student's registration shall be terminated for a period of time specified by the Academic Integrity Committee. A suspended student may not attend classes, live in College housing facilities, eat in the cafeteria, be on College property, or attend College-related activities. A suspension is noted on the student's official transcript and a copy of the letter stating the penalty will be forwarded to the student's parents or legal guardians if a waiver has been signed. At the end of the suspension period, a student may reapply for admission to the Office of Admissions. The Academic Appeals Committee will act on the application and has the right to impose provisions on the student's admission. Readmission is not guaranteed. If readmission occurs, the student will be informed by the Executive Vice President for Academic Affairs
- **Probation.** A period of review and observation as specified by the Academic Dean, during which a student is under an official warning that subsequent violations of the Creed are likely to result in a more severe sanction including suspension or expulsion from the College. During this time, the student shall not represent the College as an official delegate, representative, athlete, or performer, and she/he may not hold any elected office or committee chairmanship in College groups of any kind. A copy of the letter stating the penalty will be forwarded to the student's parents or legal guardians if a waiver has been signed. The letter of warning becomes a permanent record in the student's Academic File.
- **A Letter of Warning (first offense only).** A letter of warning indicates that any additional violations may result in immediate suspension from the College. A copy of the letter stating the penalty will be forwarded to the student's parents or legal guardians if a waiver has been signed. The letter of warning becomes a permanent record in the student's Academic File.
- A combination of the above sanctions.
- Any sanction deemed appropriate by the Committee, including educational sanctions.

APPEALS

7.1 All sanctions determined by the Academic Integrity Committee shall remain in place during the appeals process. All exceptions to this policy shall be at the discretion of the Dean or his/her designee.

Grounds for Appeal. The charged student may appeal the decision Academic Integrity Committee to the Faculty Council on any or all of the following grounds:

- That deviations from procedural rules significantly prejudiced the findings of the College Committee;
- That there is new evidence, which was not available at the time of the hearing and which would significantly impact the finding of the original hearing.
- That the sanctions are inappropriate or too harsh in relation to the offense.

Notice of Appeal. A student appealing the finding of the Academic Integrity Committee must notify the Office of Academic Affairs in writing no later than five (5) business days after the receipt of the letter indicating the findings of the Academic Integrity Committee. The student should set forth the specific ground(s) of the appeal. The Office of Academic Affairs will notify all relevant parties, including the Chair of the Faculty Council, regarding the appeal within five (5) business days and will compose a response memorandum.

Consideration of Appeal. Faculty Council shall meet to consider the matter of appeal within fifteen (15) business days of receiving the appeal. Faculty Council shall issue a written decision that either:

- The decision of the Academic Integrity Committee has been affirmed in its entirety; or
- The case is remanded to the Academic Integrity Committee with a clear statement of specific reasons for further proceedings and with directives to attend to procedural errors or new evidence.

The Chair of the Faculty Council, or his/her designee, shall send copies of the written decision to the appealing student and the Office of Academic Affairs within five (5) business days (barring exigent circumstances) of the Council meeting. The Office of Academic Affairs will forward copies to the appropriate parties within five (5) business days (barring exigent circumstances).

PROCEDURES FOR ACADEMIC INTEGRITY COMMITTEE HEARINGS

- 8.1 When a case is referred to the Academic Integrity Committee for a hearing, the Office of Academic Affairs shall set a date and a location for the hearing and notify the charged student, the Committee, and relevant witnesses and participants.
- 8.2 Rules Governing Committee Hearings
 - 8.2.1 Hearings shall be considered closed and confidential and are subject to FERPA regulations. All statements, information, or comments given during hearings shall be held in strictest confidence by Committee members, College staff, witnesses, advisors, and observers before, during, and after deliberation in keeping with relevant law and policy. The Office of Academic Affairs will record the hearing. The recording remains the sole property of Newberry College.
 - 8.2.2 If any material facts are in dispute, relevant testimony of witnesses and other evidence shall be heard. The Dean, or designee and the Academic Integrity Committee may call and question witnesses. Character witnesses and/or testimony of character not directly relevant to the incident are not permitted.
 - 8.2.3 A student charged with a violation of the Creed is responsible for presenting his/her own case.
 - Students may have an advisor, approved by the Dean, who is a member of the Newberry College community.
 - Students may not have advisors who are not members of the Newberry College community.
 - Advisors cannot speak to the Committee or participate beyond advising the student in a quiet and dignified manner.
 - Advisors or students who are disruptive, in the opinion of the Committee Chair, will be

asked to leave and the hearing will proceed without their being present.

- 8.2.4 The Chair of the Committee, with the assistance of the Dean, or designee, will exercise control over the hearing to avoid needless consumption of time through repetition of information and/or to prevent the harassment or intimidation of participants. Any member of the Committee may require the Committee to go into private session to discuss and decide a matter by majority vote. The Chair can recess the hearing at any time. The Chair of the Committee shall ensure that all procedures are appropriately followed.
- 8.2.5 The charged student, and the Committee members shall have the right, within reasonable time limits set by the Chair, to present questions for witnesses who testify orally.
- 8.2.6 All hearings shall be conducted in an informal manner, and technical rules of evidence will not be applied. Witnesses (except for the charged student) shall be present during a hearing only during the time they are testifying.
- 8.2.7 The charged student
- shall have access to examine any evidence and has a right to review documentary evidence at least three (3) days before the hearing, barring exigent circumstances. The student must view the evidence in the Office of Academic Affairs.
 - shall provide the Office of Academic Affairs with copies of relative evidence, statements, and a list of witnesses no less than three (3) days prior to the date of the hearing. A statement summarizing the relevant testimony of all witnesses must accompany the witness list.
 - The Office of Academic Affairs reserves the right to limit the witness list. The Office of Academic Affairs reserves the right to prohibit the presentation of any witness testimony not submitted within these guidelines.
- 8.2.8 If the charged student fails to attend the committee hearing, the Committee will proceed with the hearing without the student's participation.
- 8.2.9 A recording of the hearing shall be kept by the Office of Academic Affairs until any appeal has been concluded, or ninety (90) days from the date of the hearing, whichever is longer. No typed record shall be required. The recording is the sole property of Newberry College.
- 8.2.10 The charged student may request a duplicate copy of the recording at his/her own expense within a period of ninety (90) days from the date of the hearing.
- 8.2.11 After all information has been presented, the Committee shall meet in private to deliberate the case and reach its decision regarding responsibility. Decisions of the Committee must be by majority vote. If the student is found "Responsible" of violating the Creed, the Committee will hear any information concerning any past infractions by the student, which will be provided by the Dean. The Committee will then deliberate in private to determine appropriate sanctions.
- 8.2.12 The Dean shall be responsible for forwarding the decision of the Academic Integrity Committee to the charged student in writing. The letter from the Academic Integrity Committee shall consist of:
1. Findings of the College Committee;
 2. Sanction(s);

3. Statement regarding the right to appeal and the appeal procedures.

RETENTION OF RECORDS

- 9.1 Records pertaining to violations of the Creed will be retained by the Office of Academic Affairs and the Registrar. Should the Office of Student Affairs conduct an investigation into non-academic behavioral misconduct, decisions of the Academic Integrity Committee or the Dean concerning violations of the Creed will be shared.
- 9.2 Records of violations of the Creed will be kept in the same manner as academic records retained by the Registrar.
- 9.3 Disciplinary records are kept confidential to the extent permitted by law.
 - 9.3.1. Records of disciplinary actions resulting in a finding of "not responsible" will be removed from the student's file in the Office of Academic Affairs and the Registrar's office.
 - 9.3.2. Records of disciplinary actions resulting in a finding of "responsible" and sanctions other than suspension or expulsion are maintained by the Office of Academic Affairs and the Registrar's office for five years following the date the finding is made at which time they are destroyed.
 - 9.3.3. Records of disciplinary actions resulting in a finding of "responsible" and a sanction of suspension or expulsion are maintained by the Office of Academic Affairs and the Registrar's office in perpetuity. A notation of suspension or expulsion is reflected on the