

STUDENT HANDBOOK



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Alma Mater

On the city's western border,
Reared against the sky,
Proudly stands our alma
mater As the years go by.

"Forward ever!" Be our
watchword; Conquer and prevail.
Hail to three our alma
mater, BSC, all hail!

Cherished by us all forever,
Alma mater strong,
Hold our faithful hearts and minds
As we sing this song.

"Forward ever!" Be our
watchword; Conquer and prevail.
Hail to three our alma
mater, BSC, all hail!

I. The Honor System & Honor Code

The Honor Oath

As a member of the student body of Birmingham-Southern College, I realize my responsibility to the traditions of the institution, to my fellow students and to myself. I recognize the significance of the Honor System, and I pledge that I will not lie, cheat, or steal as a member of the Birmingham-Southern College community.

MANIFESTATION

A Code of Honor was originally adopted by a popular vote of the student body of Birmingham-Southern College, and has since been revised as the community deemed it essential to maintain the spirit and effectiveness of the Honor Code in its evolving context. Its purpose is to present an atmosphere of trust across our community, in which an individual's integrity, sense of responsibility, and ability to engage in creative, independent scholarship can be nurtured. As a student learns to handle independence, the student also assumes responsibility for their actions. Recognizing this fact, the students, faculty, and administration at Birmingham-Southern College have agreed to a system of ethics known as the honor system.

The honor system is exemplified in the Honor Code. As a student covenant, its enforcement depends upon each and every individual student. Not only is each student responsible for their own actions, but they are also responsible for maintaining the whole system of honor. The individual is responsible, along with fellow students, for the governance of the honor system. The faculty and administration have agreed to encourage and cooperate with the students in this effort.

THE HONOR COUNCIL

The Honor Council Constitution establishes an Honor Council composed of between 15 and 20 respected students, selected by the SGA. This Council is charged with hearing cases concerning lying, cheating, and stealing. The Honor Council process is guided and advised by Advisors who come from the College's Faculty or are officials in Student Development. Honor Council hearings occur at regularly scheduled dates and times as determined by its members and Advisors. Students must recognize the Council's role of upholding the Honor Code and should expect the Council to abide by and uphold the three tenets of the Honor Code which are honesty, integrity, and truth. Students should also expect the Council to conduct itself in support of the value of a Birmingham-Southern College education, the welfare of the entire community, and the development of those students whose behavior it addresses. While the role of students in maintaining the Honor Code is crucial, the ultimate responsibility for campus governance rests with the President of the College and other designated administrators as delegated by the President and the Board of Trustees.

AREAS OF ACADEMIC CONCERN

Several areas of academic concern are clarified below to elaborate on areas that the Honor Council Constitution oversees.

1. **Examinations:** All tests at Birmingham-Southern College are conducted under the Honor Code. Instructors leave the room during the examination and students are on their honor to do their own work. The Honor Pledge should be abbreviated at some location on the test as designated by the instructor, and signed by the student before handing in the examination. The student should leave all books, materials, all technological resources, and any other aids which are not permitted to be used on the test either in the hall outside the classroom, or next to the wall in the classroom away from their testing area. Students should not take the test outside the designated classroom except under prior arrangement and approval of the instructor.
2. **Out-of-Class Work:** Work prepared out of class should be that of the individual when individual work is expected, and that of only group members when collective work is expected. Any assistance from fellow students, books, periodicals, online resources, or other materials should be appropriately acknowledged. Instructors should give specific guidance regarding what constitutes a violation of the Honor Code. If there is doubt, a question should be raised by the student.
3. **Use of Old Quizzes and Papers:** While faculty differ in opinion with regard to the use of old tests and term papers, it is generally conceded that there is value in studying tests that have been given previously, and in reading papers from previous classes. A student should be careful, however, that these materials are used properly; he or she should never copy a section of another person's term paper and submit it as his or her own. In addition, a student should not submit a paper of his or her own which has previously been submitted in another course, unless

specifically given permission by the instructor of the current course. Students should seek guidance from the instructor on the use of materials such as notes, tests, books, and papers.

4. **Creative and Artistic Work:** In the fine and performing arts, many assignments require students to submit original pieces of work. Assignments of poetry and prose, drawings and paintings, musical compositions, and dance choreography will often mean that students must rely on their own creative abilities to develop their submissions. Relying on the work of other authors, artists, musicians, dancers, and choreographers is a violation of this requirement. You should check with your professor regarding how prior works of arts may directly influence your submissions to avoid an Honor Code infraction.

PLAGIARISM DEFINED

This is the official definition of plagiarism developed by the SGA Honor Code Committee in consultation with BSC faculty, which is currently in use:

WHEN YOU USE SOMEONE ELSE’S WORDS, IDEAS, OR DATA DERIVED THROUGH EXPERIMENTATION OR INVESTIGATION WITHOUT GIVING THAT PERSON CREDIT, YOU ARE PLAGIARIZING. THIS IS CONTRARY TO ACADEMIC INTEGRITY AND TO THE BSC HONOR CODE.

Plagiarism is a serious offense. It is also an unnecessary one. Protection against it is easy: simply cite the source of your material. The amount of information required in that citation and the particular form the citation will take varies from discipline to discipline. Sometimes, only a name and a title of a study or a book are required; sometimes place of publication, publisher, date, and page numbers for reference are also required.

One thing remains constant in all disciplines, however. If a thought, a figure, a phrase, or a portion of an artistic work is not original to you, then you must tell the viewer of your work whose thought, figure, phrase, or artistic work it is. In text-based academic work, such as research papers and presentations, referencing the original work typically follows discipline-specific conventions. Check with your professor for the precise form of documentation you should use. In artistic work involving creative writing, dance, music, theater, and the fine arts, relying on original works will often not be allowed. Ask your professor if you are unsure whether an assignment allows you to incorporate others’ work, and if permitted, how to reference it.

You may argue that in a research paper, none, or very little, of the information is original to you — otherwise you would not have had to research — therefore, every sentence would seem to require some sort of citation. This is not necessary, however, for points of common knowledge do not have to be documented. The trick, of course, is in deciding what is common knowledge to those educated in any given discipline when none of it was common knowledge to you. There is no foolproof rule to follow; ultimately, you will have to rely on your own judgment, but this guideline may be useful to you: if the information can be found in an encyclopedia and it is not an indirect quotation, or if the information is found in two or more books or articles you have read and it is not a direct or indirect quotation, it is common knowledge. If in doubt, it is better to err in favor of too much documentation than too little. The more versed you become in research and writing, the easier these judgments will be to make.

Remember, even if you paraphrase (indirect quotation) or summarize material, you must document, especially if you adopt the vocabulary or phraseology of your source. Sometimes someone simply states something with a flair, an emphasis, or a precision not your own. So, you adopt whole phrases, or just a word or two to enhance your writing. This is permissible — as long as you admit that that flair, that emphasis, that precision are not your own.

INSTRUCTOR’S INTERPRETATION

As early as possible in the term, and preferably within the course syllabus, the instructor should make clear to their classes how the specifications of the Honor Code apply to his or her individual requirements. For example, what is legitimate in the use of old examinations or student papers, studying together, use of source material for an original report, etc., should be made clear.

SUMMATION

Inherently, an honor system contains a paradox. If students are honorable, it is insulting to conceive that they could be dishonorable. If students are dishonorable, it is foolish to suppose that an oath of integrity will prevent them from

cheating. However, at BSC we believe honor is not an inevitable quality. The environment exercises powerful influences upon the individual's integrity. We believe the honor system is the system most conducive to placing responsibility where it belongs — with the students. In signing the pledge, one should realize that he or she is making a commitment to one's self, his or her fellow students, and to the College. This pledge entails personal honesty, as well as the preventing and/or reporting of dishonesty in others. It is our belief that only in this manner can we, the students, have satisfaction in our College — and our lifetime achievements.

THE HONOR COUNCIL CONSTITUTION

Article 1 - Membership

- A. The Honor Council (hereafter referred to as Council) shall be composed of no less than 15 and no more than 20 students, three or four each from the College's sophomore, junior, and senior classes, and the remaining students chosen as at-large members without regard to class rank.
- B. The Council shall be elected by the Student Government Association, with recommendation by graduating senior Honor Council members, during the spring term following a report of the Council's activities. No member of the legislative body shall be eligible to serve on the Council concurrently. However, current members of the Student Government Association are eligible to apply for election to the Council in the subsequent year. If a member of the legislative body has applied for election, they may not participate in the election process for the Council.
- C. The Student Government Association shall fill vacancies in the Council when requested by the President of the Council.
- D. A member of the Council shall be removed from the Council upon a finding that they violated the Honor Code. A member may also be removed for violating other student conduct policies of the College. Removal for other conduct violations may only occur through a two-thirds decision of the available Council members in favor of removal due to the member's actions.

Article 2 - Officers

- A. Each year during the spring term, a President, Vice President, and Secretary shall be elected by the incumbent Council from among its membership during the current academic semester. Officer elections shall occur following the Council's election by the Student Government Association, and newly selected members shall be present and given voice but not vote. The officers shall serve from the end of the spring term of their election until the end of the subsequent academic year.
- B. The President shall call and preside over Council meetings and provide an annual report on the activities of the Council to the Student Government, faculty, and other campus entities when requested. The President shall decide all questions of procedure and interpretation arising under this Constitution, in consultation with the Honor Council Advisors. A decision of the President may be overruled by a two-thirds vote of those members of the Council present and voting. At the hearing, the President's position shall be one of non-participation in deliberations and voting; however, the President will cast a tie-breaking vote. The President shall also serve on the Social Conduct Council when requested.
- C. The Vice President shall act in the capacity of President in their absence and shall be responsible for publicizing the Honor Code. Unless acting as President at a hearing, the Vice President's position shall be one of participation in deliberations and voting. The Vice President shall also serve as President of the Social Conduct Council in most cases, unless a conflict of interest exists or the Vice President is otherwise unavailable.
- D. The Secretary shall ensure a recording is made for each hearing, as well as a written record of all hearings, including a brief summary of the facts of each case, and penalties imposed. The Secretary's position shall be one of participation in deliberations and voting. The Secretary shall also serve on the Social Conduct Council when requested. The Secretary will serve in the place of the President and Vice President when both have conflicts of interest or are otherwise unavailable.

Article 3 – Honor Council Advisors

The Honor Council Advisors include faculty members and professional staff members in Student Development who have been oriented regarding the Honor Code, Honor Council, and relevant processes regarding possible violations. Prior to the beginning of an academic year, the Provost will designate faculty members who may serve as potential Honor Council Advisors, with new Advisors receiving training for their roles prior to serving on a case. The Vice President for Student Development will designate professional staff members who may serve as Advisors, with new individuals receiving training for their roles prior to serving on a case. Roles for Advisors shall include conducting the pre-hearing investigation of alleged violations of the Honor Code, serving on the Pre-Hearing Committee in the determination to move to a hearing, assisting the Council in a hearing, and hearing appeals of findings and sanctions imposed by the Council. When requested, Advisors may also serve as advisors for accused students. The Honor Council Advisors shall not directly participate in

reaching findings or setting sanctions during hearings and deliberations of the Council, as these roles are specifically reserved for Honor Council members, but may observe, ask questions, and otherwise advise members during those activities.

Article 4 - The Honor Code

A. Violations

The following are violations of the Honor Code:

1. Lying in official matters. "Lying in official matters" means the statement of an untruth or the falsification of official material with intent to mislead administration, faculty, residence life staff, Campus Police officers, or Honor Council or Social Conduct Council members when acting in their official capacities. "Official material" means material having to do with course work, College administration, faculty, residence life staff, Campus Police, the Council, or the Social Conduct Council.
2. Cheating. "Cheating" means either:
 - a. Giving aid to or receiving aid from any student or other source (e.g., books, notes, online sources, technology, etc.) without the consent of the faculty member. It is also considered cheating to attempt to receive unauthorized assistance from another student or attempt to use an unauthorized device or resource (e.g., cell phones, laptops, smart watches, online materials, etc.) without the consent of a faculty member. Failure to sign the Honor Pledge is not a defense to the charge of cheating, or
 - b. Plagiarizing, that is, the use of someone else's work, including but not limited to words, ideas, performing and/or visual art, music, or data derived through experimentation or investigation without giving that person credit. Ignorance of the definition of plagiarism is not a defense to a charge of plagiarism. It is the student's responsibility to consult the faculty member or, a Council member, or writing handbooks designated by the course instructor for the procedure for properly acknowledging sources.
3. Stealing. "Stealing" means the act of intentionally taking or appropriating without the right or permission of any individual, organizational, or institutional property. The term includes, but is not limited to, stealing off campus, stealing from any person or business representatives on this campus, stealing from a computer company or any other computer-related theft, vending machines, a residence hall visitor, or any other business while it is on this campus, and removal of any material or equipment from the Birmingham-Southern College Library, residence halls, or other facilities without permission.
4. Failure to report a violation of the Honor Code.
5. Unless as an accused, failure to appear as a witness before the Council as requested by written notice.
6. Failure to maintain confidentiality as required in Article 11 of this Constitution and Article 7 of the Social Council Constitution.

B. Class I and II Violations

1. The suggestion of Class I and II violations presupposes that there is a difference between instances where violations of the Honor Code have occurred or are alleged to have occurred. It is believed that a Class II violation classification will provide a mechanism to encourage greater faculty participation and to allow "teaching moments" within the Honor Council process. The purpose of creating a distinction between Class I and Class II violations is to make it possible to divide the jurisdiction between Class I violations (which require consideration by the entire Honor Council) and Class II violations (which may be reviewed by the Honor Council subcommittee identified in Article 10).
2. Ultimately, the delineation between Class I violations and Class II violations will be determined by the extent of the violation and the intent of the student offender. While not exhaustive, below are several examples of violations which may constitute Class II violations:
 - a. Lying to a professor about not attending class.
 - b. Violations on assignments that constitute a small percentage of the course grade.
 - c. Lying about attendance at Cultural Events.
 - d. Instances of partial academic research citations which constitute plagiarism.

Article 5 - The Honor Oath

All students upon matriculation at Birmingham-Southern shall take the following oath: "As a member of the student body of Birmingham-Southern College, I realize my responsibility to the traditions of the institution, to my fellow students and to myself. I recognize the significance of the Honor System, and I pledge that I will not lie, cheat, or steal as a member of the Birmingham-Southern College community."

Article 6 - The Honor Pledge

On all work for which students are neither to give nor receive aid, faculty shall require students to sign the following Honor Pledge or its equivalent: "I have neither given nor received aid on this work, nor have I witnessed any such violation of the Honor Code."

Article 7 - Reporting a Class I or Class II Violation, Investigation, and Prehearing

A. Reporting a Violation

Any student, faculty, or staff member having knowledge of a possible Honor Code violation must report it to the President of the Council, Honor Council Advisors, or, in the case of class work, to the faculty member concerned. The accuser may also first approach the accused student if they so desire, or they can simply report the violation. If, however, after approaching the accused student, suspicion remains in the mind of the accuser, it is the accuser's duty to make certain that the suspected violation of the Honor Code is reported to the Council. Failure to report a violation of the Honor Code is a violation in and of itself.

B. Investigation

Upon notification of a suspected violation of the Honor Code, whether Class I or Class II, Honor Council Advisors shall thoroughly investigate the reported violation. The Advisors may interview all necessary persons including, but not limited to, the accusing individual, the accused student, and any material witnesses. During the course of the investigation, accused students will be offered the opportunity to have a student Advisor support them, as outlined in Article 12. The Honor Council Advisor will appoint a member of the Honor Council to serve as a student Advisor, in consultation with the accused student regarding current members of the Honor Council who may serve as their Advisor or Honor Council Advisors who may be available.

C. Determination of Potential Hearing Process

In the course of the investigation, Honor Council Advisors will determine whether the matter represents a Class I or Class II alleged violation, which will then be handled according to the guidance in the respective subsequent Articles in this Constitution. Where questions in the classification of the alleged violation arise, the Honor Council Advisor investigating the matter will consult with other Advisors and the Officers of the Honor Council to make a determination.

D. Determination of Pleading

After the conclusion of the investigation, accused students will have the opportunity to consider and indicate how they will plead regarding the alleged violation. If accused students deny that any violation has occurred, the matter will be referred to the Pre-Hearing Committee, as outlined below in Section E, to determine if a factual hearing will occur. If accused students acknowledge that they violated the Honor Code, the process will move directly to a sanctions hearing without review by the Pre-Hearing Committee.

E. Prehearing in Alleged Class I Violation Cases

The Honor Council Advisor who investigated the matter shall present all information concerning the possible violation with names omitted to the Pre-Hearing Committee, composed of one faculty Honor Council Advisor and two students from the Honor Council, each of whom who will not be eligible to serve on the panel if the matter proceeds to a hearing, though they may serve as a student Advisor. After all the facts have been considered, the Pre-Hearing Committee shall decide by a vote whether or not a hearing, further investigation, or both are warranted. There must be at least two committee members in favor of a hearing in order to warrant a hearing or other action. Should the Pre-Hearing Committee decide that the evidence is sufficient to warrant a hearing, the Honor Council Advisor shall notify the accused student, appoint a Council member to serve as a student Advisor for the accused if one has not yet been appointed as outlined in Article 12, and set a time of hearing.

Article 8 - Rights of the Accused in Class I Violation Cases

A. At the hearing of cases involving Class I violations, the accused shall be afforded the following rights:

1. The accused student shall be notified in writing of a hearing at least 72 hours prior to the hearing. This time period may be shortened upon the concurrence of the accused student and an Honor Council Advisor. The hearing should take place within 10 class days from notification of the accused, unless an Honor Council Advisor grants a reasonable extension of time for extenuating circumstances or the timing of the violation and notice preclude a hearing where quorum (defined in Article 9) can be achieved within 10 class days.
2. The accused student shall be given in writing an account of the charges against them, including the nature and circumstances of the alleged violation.
3. The accused student has the right to be present throughout the hearing, but does not have to appear. In such cases where the accused student is not present, the hearing will be held and evidence in support of the charges will be presented and considered as if the accused student were present. If the accused student is present, they are not required to answer questions from the Council. The accused student does not have the right to be present during

deliberations of the Council, however.

4. The accused student shall have the right to an advisor, as outlined in Article 12. The Honor Council Advisor shall appoint an advisor, in consultation with the accused student, from the members of the Council (excluding the President), or a faculty or staff Honor Council Advisor if necessary. The Honor Council Advisor will ensure no conflicts of interest or prior relationships interfere with the ability of the advisor to support the accused student. The accused student may also select a willing student, faculty member or staff member of Birmingham-Southern College to serve as their advisor instead. (Consult Article 12 for further information regarding advisors to students.)
5. The accused student may call relevant witnesses to testify on their behalf. They shall request in writing to the Honor Council Advisor that a request be issued to any relevant material witness who has not willingly agreed to be present. Any witness requested to appear who fails to appear before the Council may be charged with a violation of the Honor Code. Reasonable notice must be given to any witness requested to appear.
6. The accused student may address and question witnesses during their appearance before the Council, or rely on their advisor to question witnesses. The accused shall hear the testimony of all witnesses called and may ask questions of them which are relevant to the case.
7. The accused student may call one or two character witnesses to testify on their behalf.
8. The accused student may consult in confidence only with those within the prescribed bounds of privacy as described in Article 11.
9. The accused student may be found in violation only of that offense for which they have been accused.
10. In cases in which two or more are accused of a joint violation, the Council shall arrive at an independent decision for each accused.
11. The accused student, whether found in violation of the Honor Code or not, may request that a summary of the case, with names omitted, be publicly posted.
12. If found in violation of the Honor Code, the accused student may appeal the finding, according to Article 14.
13. If the Honor Council cannot obtain quorum within the 10 days of notification by the President of the Honor Council, then the Honor Council Advisors may delay the hearing until an appropriate date on which quorum can be reached. If the accused student pleads in-violation and requests to have the hearing within 10 days, the student may waive their right to 72-hour notice and quorum. The Class I sanctions hearing would occur with an advisor, and minimum of three members on the Council. If an accused student pleads not in-violation, then the case must go through a Class I factual hearing with quorum.

Article 9 - Full Hearing for Class I Violations

- A. The procedure for a full Honor Council hearing in cases involving Class I violations shall be as follows:
 1. The President presides. In the absence of the President, the Vice President presides. In the absence of the President and Vice President, the Secretary presides. If all three officers are unable to be present, one of the members with the most time having served on the Honor Council presides.
 2. Seven members of the Council, the advisor for the accused student (should such advisor be a member of the Council), and the President of the Council or other person serving in that role shall constitute quorum for a hearing.
 3. A factual hearing will commence when an accused student pleads not in violation to the charges against them. If the factual hearing leads to a decision by the Council finding the accused student in violation of the charges, the Honor Council will proceed to determine sanctions as part of their deliberations. The accused student may address the Honor Council prior to their deliberations on sanctions.
 4. The accused student(s) in a factual hearing shall be considered innocent throughout the hearing until there is a finding that they have committed a violation of the Honor Code. Such a finding shall be based on clear and convincing evidence and by a majority of the Council present and voting. Otherwise, the case shall be dismissed.
 5. A sanctions hearing will commence when an accused student pleads in violation to the charges against them. Sanctions will be decided by a majority of the Council present and voting.
 6. The hearing shall be recorded, with the recording maintained in the disciplinary record of the student held in Student Development.
 7. The victim(s) of the alleged Class I violation as determined by the Council, if any, may be present at the hearing, call witnesses, and be informed of the outcome.
 8. No witness, other than accused student if they choose to be present, shall be allowed to hear the testimony of other witnesses.
 9. Before testifying, every witness shall be reminded that their testimony is subject to the Honor Code.
 10. The Council shall call witnesses, consider the information presented, and question accused student should they choose to testify until it has exhausted every reasonable method of ascertaining the facts. The accused student may choose not to testify.
 11. If the Council feels that an adequate decision cannot be reached without additional information or consultation with

Honor Council Advisors, then a motion can be made to table deliberations.

12. The Council shall not consider an accused student's past convictions for violations of the Honor Code and/ or Social Regulations or Policies in determining a factual decision, but may consider information concerning the offender's past violations, if any, in determining sanctions for a violation.
13. The Council must act with complete impartiality. After consultation between the President and Honor Council Advisors, a Council member may be excused from a case where personal involvement may constitute a conflict of interest.
14. Since the Council is not a legal body and procedures are not conducted in an adversarial manner, unless the alleged Class I violation of the Honor Code also constitutes a felony, an attorney may neither be consulted during the hearing, nor be present at a hearing, review, or reconsideration. If the alleged Class I violation of the Honor Code does constitute a felony, then the accused may be advised but not represented by their attorney during the hearing.

Article 10 - Honor Council Subcommittee Hearing for Class II Violations

- A. Honor Council violations meeting the following criteria — and thus designated “Class II” violations — will be handled by an Honor Council subcommittee hearing as provided in Article 10.C below. For a Class II violation to be eligible for Honor Council subcommittee treatment, each of the following criteria must be satisfied:
 1. The faculty member, staff member, or student reporting the incident must consider the violation to be a “Class II” violation as defined in Article 4.B.
 2. Honor Council subcommittee members who review the materials must consider the violation to be a Class II violation.
 3. The accused student must admit to having violated the Honor Code.
 4. The student violator and the party filing the charge must agree, in substantial detail, on the facts surrounding the violation, as well as on any proposed sanctions.
 5. The student violator must not have had any past Honor Code violations (Class I or Class II).
- B. The Honor Council subcommittee shall consist of three voting members as follows: Honor Council President, plus two at-large members of the Honor Council. Two Honor Council Advisors shall serve in advisory roles to the Honor Council subcommittee.
- C. The procedure for Honor Council subcommittee hearings shall be as follows:
 1. The President of the Honor Council presides. If the President is unable to serve due to a conflict of interest or is otherwise unavailable for an extended period of time, the Vice President presides. If the same circumstances exist for the Vice President, the Secretary presides. If the same circumstances exist for the Secretary, one of the members with the most time having served on the Honor Council presides.
 2. Documentation submitted by the reporting person and the student violator will be reviewed to ensure that the criteria for the decision to be made by the Honor Council subcommittee satisfies the criteria set forth in Article 10.A.
 3. If the criteria required by Article 10.A have not been met, the case may not be heard by the Honor Council subcommittee and must be referred to the entire Honor Council for a full hearing. The decision to refer a case for a full hearing must be unanimous by the voting members of the subcommittee.
 4. If the criteria are satisfied for the violation to be heard by the Honor Council subcommittee, such Honor Council subcommittee may approve any or all proposed sanctions.
 5. If the criteria are satisfied for the violation to be considered by the Honor Council subcommittee, but revisions or additions to the proposed sanctions are recommended, the reporting person and the student violator will be contacted to approve any and all proposed revisions. If such proposed revisions are not approved by both the party filing the charges and the student violator, the matter will be referred to the entire Honor Council for a full hearing.
 6. If a full hearing is recommended by the Honor Council subcommittee, the President of the Honor Council will assign the student violator an advisor from among the subcommittee members who reviewed the student's case. The student violator is not obligated to accept the advisor from among the Honor Council subcommittee members who reviewed the student violator's case. Rather, the student violator has the right to select any willing student, faculty member or staff member of Birmingham-Southern College to serve as their advisor.

Article 11 - Confidentiality

An investigation, hearing, review, and reconsideration of any alleged violation, whether Class I or Class II shall remain confidential and those within the bounds of confidentiality shall not divulge anything that is said or done with regard to these proceedings to anyone outside the bounds of confidentiality. Those within the bounds of confidentiality include accused students, Council members, Honor Council Advisors, the Provost of the College, the President of the College, reporting individuals, witnesses, persons interviewed during the investigation, victims, and the attorney for the College. Should anyone outside the bounds of confidentiality receive information which is considered to be confidential, they will automatically be

bound by confidentiality. In addition, the accused student may include within the bounds of confidentiality their parents, faculty, staff, minister/spiritual advisor, campus counselors, personal or legal counsel, and up to two peers they identify to Honor Council advisors as individuals through whom they wish to seek support. Should the accused student or anyone designated by them who is considered within the bounds of confidentiality violate the requirement of confidentiality, the Council may vote by majority to publicly post a summary of the case or otherwise ensure accurate information is shared with individuals who have become aware of the alleged violation.

Article 12 - Advisor to the Accused

- A. The Honor Council Advisor shall appoint an advisor, in consultation with the accused student, from the members of the Council (excluding the President), or a faculty or staff Honor Council Advisor. The Honor Council Advisor will ensure no conflicts of interest or prior relationships interfere with the ability of the Advisor to support the accused student. The accused student may also select a willing student, faculty member or staff member of Birmingham-Southern College to serve as their advisor instead.
- B. The Advisor for the accused student, in any case involving a Class I violation, shall serve as the accused student's guide until the conclusion of all proceedings. The Advisor shall meet with the accused student following their selection in order to help prepare the accused student for the hearing and any aspects related to it, including providing a written personal statement regarding the incident. The Advisor may will also help the accused student understand their rights granted under this Constitution, explain the nature of the accusation, the procedure of the hearing, and the possible outcomes of the hearing. The Advisor shall attempt to help the accused student identify the relevant issues which should be discussed and form the basis of questions for the hearing, as well as identify appropriate material witnesses. The Advisor may interview witnesses for the hearing in order to clarify the accused student's position and statement.
- C. The Advisor shall assist the accused student for the duration of the proceedings, and shall endeavor during the hearing to question witnesses and partake in relevant discussion for the benefit of the accused student. It is important to understand that the Advisor is not an advocate or defense attorney for the accused student and has no formal legal training. The duty of the Advisor shall be to advise the accused student during all phases of the hearing and to see that all relevant information is presented.
- D. The Advisor will assist in coordinating the arrival and departure of the accused to and from the hearing, as well as any material and character witnesses.
- E. The Advisor shall be advised of the outcome of the hearing.

Article 13 - Sanctions

- A. When determining a penalty in the case of a determined Class I violation or reviewing a potential penalty in a Class II violation case, the Council is responsible for assuring the effectiveness of the honor system for the Birmingham-Southern community. If the Council finds there has been a violation, a penalty shall then be decided upon by a majority of the Council present and voting.
- B. No recommendation for the imposition of sanctions may be based solely upon the failure of the accused student to answer the charges or not appear at the hearing.
- C. Sanctions for violators shall be determined as follows:
 1. The Council shall use the following criteria in determining sanctions:
 - a. assuring the effectiveness of the honor system,
 - b. the violator's level of intentionality in their actions,
 - c. the severity of the offense,
 - d. the violator's ability to continue under the honor system,
 - e. prior findings of the violations of the Honor Code, and/or
 - f. extenuating circumstances.
 2. If the Council deems the violator incapable of living in the Birmingham-Southern community or representing too significant a risk to allow them the opportunity to continue to hold membership in the community in the future, the Council may impose the penalty of expulsion or permanent dismissal. This sanction is only available to the Honor Council during Class I hearings.
 3. If the Council deems the violator capable of living in the Birmingham-Southern community and abiding by the Honor Code at some later point in time, then the sanction may be suspension. The sanction of suspension may be given for one, two, or three terms (inclusive of summer and Exploration terms). This sanction is only available to the Honor Council during Class I hearings.
 4. If the Council deems the violator capable of remaining a member of the Birmingham-Southern community without removal, the Council may place the violator on probation. The penalty of probation may range from one semester to the duration of time the student is at Birmingham-Southern College. In addition, the Council may impose such other penalties during the period of probation as it deems appropriate including, but not limited to,

prohibiting the student from representing the institution in any event or holding any student office. This sanction is available to the Honor Council during Class I and II hearings.

5. The Council may impose such other penalties as it deems appropriate including, but not limited to, making restitution for misappropriation of property, completion of educational programming related to the violation, receiving counseling, developing plans for avoiding circumstances which impacted the violation, performing appropriate public service, or other relevant sanctions. Sanctions imposed for the period of suspension or probation must be adhered to and/or completed by deadlines set by the Honor Council. These sanctions are available to the Honor Council during Class I and II hearings. The completion of these penalties will be reviewed by an Honor Council Advisor and may be referred back to the Honor Council to determine if the penalties have been completed in an appropriate manner. A determination that the penalties have not been appropriately completed may result in a denial of readmission following a suspension, continuation of probation, and/or additional sanctions/penalties.
 6. In the case of a finding of a violation of the Honor Code regarding course work, the Council shall not recommend a grade, and the faculty member for such course shall give the student whatever penalty they deems appropriate. In the case the Council finds there has been no violation of the Honor Code regarding course work, the faculty member for such course shall not impose a penalty.
- D. The definitions of the penalties are as follows:
1. Expulsion from the College means that the individual must leave the campus and shall not be eligible for readmission to Birmingham-Southern. A notation of the expulsion for a violation of the Honor Code shall appear on the student's disciplinary record permanently.
 2. Suspension means that the individual must leave the campus and shall not be eligible for readmission to Birmingham-Southern until the end of the suspension term and upon the successful completion of all terms of suspension. Notation of the suspension shall appear on the individual's disciplinary record.
 3. Probation means that the individual must maintain a clear record for the duration of the penalty set forth by the Council. During that time, the Council may impose other penalties during the probation period as stated in the Article 13.C.3.
 4. As outlined in the College's disciplinary record expungement policy, upon a written request to officials in Student Development responsible for maintaining disciplinary record, a student's record may be expunged of all violations and sanctions, other than for violations that lead to the sanction of expulsion. When a student is dismissed from the College, the notation will remain permanently in the disciplinary record.

Article 14 - Appeals in Class I Violation Cases

- A. A written appeal from a finding of a violation or sanction by the Council in a Class I case may be made by the violator within five class days of the decision or before the last day of the term, inclusive of the final exam period
- B. Appeals are made to the Provost and Honor Council Advisors, who will set a review committee of no less than three individuals who will consider the appeal and relevant materials.
- C. The appeal review will occur within a reasonable within a two-week period, unless an explanation is provided in writing to the appellant regarding the need for an extension beyond that time or if a break in the academic calendar occurs within that time.
- D. An appeal shall be limited to a review of the full report of the Council, including the hearing transcript when requested, for the purpose of determining whether it acted in accordance with procedural and substantive fairness. An appeal on the basis of substantive fairness may not contest the factual findings of the Council but is limited on the basis of the fundamental fairness of the penalty or the application of the standards of the Honor Code.
- E. An appeal may not result in a more severe penalty for the accused, but may result in a reduction or removal of penalties without rehearing by the Council.
- F. An appeal in which the finding of the Council is reversed may be remanded to the Council for rehearing with a written opinion or direction of the reviewing committee.

Article 15 - Reopening a Case

No case may be reopened unless new information is discovered. Such information must have been unknown to the Council at the time of hearing. If a case is reopened, procedures shall be as if it were a new case.

Article 16 - Bylaws

The Council may, by a two-thirds vote of its membership, adopt whatever procedures it deems necessary that do not contravene this constitution to insure the effective execution of the Council's duties.

Article 17 - Amendment

An amendment to this Constitution shall originate in either the Student Legislature or the Honor Council and must be approved by two-thirds of the voting members of both bodies. Upon approval by the President of the College, and the proposed amendment shall become effective.

Article 18 - Ratification

This Constitution shall become effective immediately upon approval by the Student Legislature and the Honor Council by a two-thirds majority of each body, and upon approval by the President of the College.

(Revised Spring 2019)

II. Social Conduct Policies & Processes

STUDENT CONDUCT

Information concerning possible violations of any Student Conduct policies, Residence Life policies, other College policies and regulations, and any other rules governing individual and group student behavior may be sent to officials in Student Development, including but not limited to the Vice-President for Student Development; Dean of Students; Associate Dean of Students; Assistant Dean of Students; and Directors, Associate Directors, and Assistant Directors in Residence Life and Student Involvement. The College responds to such information and the individual(s) or group(s) involved according to the circumstances of the alleged incident, completing thorough investigations and following the various conduct processes outlined within this Student Handbook.

Typically, one or more officials in Student Development lead or coordinate any investigation and adjudication processes regarding an alleged violation. Decisions regarding violations of policies and resulting sanctions occur through Administrative Conduct Meetings, Honor Council hearings (outlined previously in this Handbook), Social Council hearings, and Sexual Misconduct Board hearings. In addition, hearings may occur before other judicial bodies of organizations of the College such as the Interfraternity Council and Panhellenic Council, when such bodies hold authority over the individuals and groups involved in the alleged violation of College policy. Finally, when circumstances warrant, involving serious alleged violations, the President of the College may take Administrative Action.

ADMINISTRATIVE ACTION

Administrative Action means the immediate removal or restriction of a student from the College, its premises, and any related activities. The President of the College may take Administrative Action when in their opinion a situation is sufficiently severe that it does not warrant the charging of a student with a violation and hearing before the Honor Council or Social Council through regular Student Conduct processes prior to the student's removal, or when a violation creates a situation of unusual circumstances that warrants such action. The President of the College will take this action when it is deemed to be in the best interest of the College community.

When a situation arises where Administrative Action is considered, the President will consult with appropriate College officials, including but not limited to the Provost, officials in Student Development, other members of the College's executive team, and officers of Campus Police. Students who are immediately removed through this process may not attend class, must depart all residential facilities, do not have access to any portion of campus, and cannot attend college-sanctioned or sponsored events. Following the initial implementation of Administrative Action, students may request a hearing with the President to determine their status with the College. The President may conduct the hearing themselves, establish a small committee to hold the hearing and provide a recommendation on the student's status with the College, or may choose to refer the student to the regular Student Conduct processes of the College outlined in this Student Handbook.

ADMINISTRATIVE CONDUCT MEETING

Following allegations of violations of College policies, officials of the College may meet with students involved in an incident through one or more Administrative Conduct Meetings. The purpose of these meetings will be to gather information about the incident, discuss the students' involvement in the incident, and either determine the appropriate response from the College, including possible sanctions that may be applied, or assign the determination of findings of violation and appropriate sanctions, if any, to the appropriate hearing body.

Alleged violations of most Student Conduct policies, Residence Life policies, other College policies and regulations, and any other rules governing individual and group student behavior will often be handled within the Administrative Conduct Meeting or sent to the Social Conduct Council (see the Social Conduct Council Constitution in this Handbook). If any findings and sanctions have been applied administratively and communicated to students, they have the right to contest their findings and sanctions as outlined in the Social Conduct Council Constitution and Residence Life policies. As outlined previously in this Student Handbook, potential violations involving integrity issues of lying, cheating, or theft, will be directed to the Honor Council, while possible violations of the Sexual Misconduct Policy will be investigated according to that process, outlined in this Handbook, with a potential hearing by the associated board. Other violations will be assigned to

relevant processes and boards as appropriate for those bodies when they have such authority.

THE SOCIAL COUNCIL

The Social Council Constitution establishes a three-person panel which may hear cases involving individual or group violations of the social policies and procedures of the College. Members of the Council include faculty, staff, and students who have been trained on the conduct process. The Vice President of the Honor Council typically sits on the Social Council, but other officers of the Honor Council can take on this role if potential conflicts of interest or other issues arise and a substitute is needed. Violations of College policy that do not involve lying, cheating, or stealing are defined as social infractions. Such infractions may be handled by officials in Student Development, including the Vice President, Dean of Students, the Associate Dean of Students, the Assistant Dean of Students, and their designees, or may be referred to the Social Council.

SOCIAL CONDUCT COUNCIL CONSTITUTION

Article 1 - Membership

The Social Conduct Council (“Council”) shall be composed of the Vice President of the Honor Council who shall serve as President of the Social Conduct Council (“President of the Council”), and faculty and staff members who have been trained on the conduct process. Another member of the Honor Council may serve in place of the Vice President of the Honor Council when necessary due to conflicts of interest or related issues.

Article 2 - Investigation

Upon notification of a suspected violation of a Social Regulation or Policy, the Student Development official or their designees (either such person hereinafter referred to as “Conduct Officer”) shall thoroughly investigate the reported violation. The Conduct Officer may interview all necessary persons including, but not limited to, the accused, any possible alleged victims, and any material witnesses.

Article 3 - Admission of Violation

If the Conduct Officer and the accused agree during an Administrative Conduct Meeting that the accused has violated a Social Regulation or Policy, the Conduct Officer shall then either direct that a hearing of the Council be convened to determine sanctions, or impose a penalty administratively, pursuant to Article 9.

Article 4 - Request for Hearing

If the accused denies there has been a violation of a Social Regulation or Policy or if the accused objects to the penalty imposed by the Conduct Officer, within two class days of notification by the Conduct Officer, the accused may request in writing a hearing before the Council. The Conduct Officer may also choose to hold a hearing before the Council without imposing a penalty. When such a request or determination for a hearing is made, another Conduct Officer other than the original Conduct Officer who was initially involved in the investigation will oversee the hearing

Article 5 - Rights of the Accused at the Hearing

At the hearing, the accused student shall be afforded the following rights:

1. The accused shall be notified in writing of a hearing at least 72 hours prior to the hearing. This time period may be shortened upon the concurrence of the accused and the Conduct Officer. The hearing must take place within 10 class days from receipt of the request for a hearing, unless the Council grants a reasonable extension of time for extenuating circumstances. The accused does not have to appear at the hearing. In such case, the hearing will be held and evidence in support of the charges will be presented and considered as if the accused were present.
2. The accused may select any willing student, faculty or staff member of Birmingham-Southern College to serve as his/her advisor.
3. The accused may call relevant witnesses to testify on his/her behalf. The accused shall request in writing to the presiding Conduct Officer that a request be issued to a relevant material witness. Any witness requested to appear who fails to appear before the Council shall be charged with a Social Regulation violation. Reasonable notice must be given to any witness requested to appear.
4. The accused may address and question the Council during his or her appearance before the Council.
5. The accused may hear the testimony of witnesses called and may cross-examine them.
6. The accused may call one or two character witnesses to testify on his/her behalf.
7. The accused may consult in confidence only those within the prescribed bounds of privacy as described in Article 7 of the Social Conduct Council Constitution.

8. In cases in which two or more are accused of a joint violation, the Council shall arrive at an independent decision for each accused.
9. If found in violation of a Social Regulation or Policy, the accused may appeal the decision of the Council to the President of the College in accordance with Article 10.

Article 6 - Hearing The procedure for a hearing shall be as follows:

1. The President of the Council presides. In the absence of the President of the Council, another member of the Council shall preside.
2. Three members of the Council constitute a quorum. Should a member of the Council be unable to attend the hearing or cannot serve because of a conflict of interest, the presiding Conduct Officer shall identify a replacement that matches the role of the individual who is unable to serve.
3. The original Conduct Officer shall present the case against the accused.
4. The accused has the right to be present throughout the hearing except during the Council's deliberations.
5. The victim(s) of the alleged violation as determined by the Conduct Officer, if any, may be present at the hearing, call witnesses, and be informed of the outcome.
6. No witness, other than the accused if he/she chooses to testify, shall be allowed to hear the testimony of other witnesses.
7. Before testifying, every witness shall be reminded that his/her testimony is subject to the Honor Code.
8. The Council shall call witnesses, consider relevant information, and question the accused until it has exhausted every reasonable method of ascertaining the facts.
9. The Council shall not consider the accused student's past findings of violations of the Honor Code and/or Social Regulations or Policies in determining whether the accused has violated Social Regulations or Policies, but may consider such evidence in determining the appropriateness of the penalty.
10. Since the Council is not a legal body, and procedures are not conducted in an adversarial manner, unless the alleged violation of the Social Regulations or Policies also constitutes a felony, an attorney for the accused may not be present at a hearing. If the alleged violation of the Social Regulations or Policies does constitute a felony, then the accused may be advised but not represented by his or her attorney during the hearing.
11. The accused may call all relevant witnesses.
12. The Council must act with complete impartiality. A Committee member may be excused from a case where personal involvement may constitute a conflict of interest.
13. The accused shall be considered innocent throughout the hearing until there is a finding that a violation has occurred. Such a finding shall be based on clear and convincing evidence by two members of the council. Otherwise the case shall be dismissed.

Article 7 - Confidentiality

An investigation, hearing, review, and reconsideration shall remain confidential and those within the bounds of confidentiality shall not divulge anything that is said or done with regard to these proceedings to anyone outside the bounds of confidentiality. Those within the bounds of privacy include Council members, the Advisor, officials in Student Development, the President, the Provost, accusers, the accused, witnesses, persons interviewed during the investigation, victims, and the attorney for the College. Should anyone outside the bounds of confidentiality receive information which is considered to be confidential, he/she will automatically be bound by confidentiality. In addition, the accused may include within the bounds of confidentiality his/her parents, faculty, staff, minister/spiritual advisor, personal or legal counsel, and up to two peers they identify to the Conduct Officer advisors as individuals through whom they wish to seek support. Should the accused or anyone designated by the accused to be considered within the bounds of confidentiality violate the requirement of confidentiality, the Council may vote to publicly post a summary of the case.

Article 8 - Advisor to the Accused

- A. An Advisor to the accused may be a member of the student body, faculty, or staff of the College. The accused may appoint an Advisor to serve as his/her advocate until the conclusion of all proceedings. The Advisor shall meet with the accused immediately following his/her selection in order to inform the accused of his or her rights granted under this Constitution, and to ensure that the accused understands the nature of the accusation, the procedure of the hearing, and the possible outcomes of the hearing. The Advisor shall attempt to help the accused and the Conduct Officer identify the relevant issues which should be investigated and considered as well as to identify appropriate material witnesses. The Advisor shall assist the accused in preparation for the hearing, and may interview witnesses for the hearing in order to clarify the accused student's position.
- B. The Advisor shall assist the accused for the duration of the proceedings, and shall endeavor during the hearing to question the witnesses and partake in the discussion for the benefit of the accused. It is important to understand that the Advisor is not a defense attorney for the accused and has no formal legal training. The duty of the Advisor shall be to advise the accused during all phases of the hearing.

- C. The Advisor will assist in coordinating the arrival and departure of the accused to and from the hearing.
- D. The Advisor shall be informed of the outcome of the hearing.

Article 9 - Penalties

- A. Penalties shall be determined as follows:
 - 1. The Conduct Officer or the Council may impose the penalty of expulsion, suspension, or probation depending on the individual nature of each case. The criteria used in determining penalties include:
 - a. Assuring the effectiveness of the Social Regulations and Policies,
 - b. The offender's ability to abide by the Social Regulations and Policies,
 - c. The severity of the offense,
 - d. Prior findings of violations of the Honor Code and/or Social Regulations or Policies, and/or
 - e. Extenuating circumstances.
 - 2. If the Council deems the violator incapable of living in the Birmingham-Southern community or representing too significant a risk to allow them the opportunity to continue to hold membership in the community in the future, the Council may impose the penalty of expulsion or permanent dismissal.
 - 3. If the Council deems the violator capable of living in the Birmingham-Southern community and abiding by the Honor Code at some later point in time, then the sanction may be suspension. The sanction of suspension may be given for one, two, or three terms (inclusive of summer and Exploration terms).
 - 4. If the Council deems the violator capable of remaining a member of the Birmingham-Southern community without removal, the Council may place the violator on probation. The penalty of probation may range from one semester to the duration of time the student is at Birmingham-Southern College. In addition, the Council may impose such other penalties during the period of probation as it deems appropriate including, but not limited to, prohibiting the student from representing the institution in any event or holding any student office.
 - 5. The Council may impose such other penalties as it deems appropriate including, but not limited to, making restitution for property, completion of educational programming related to the violation, receiving counseling, developing plans for avoiding circumstances which impacted the violation, performing appropriate public service, or other relevant sanctions. Sanctions imposed for the period of suspension or probation must be adhered to and/or completed by deadlines set by the Council. The completion of these penalties will be reviewed by a Conduct Officer and may be referred back to the Council to determine if the penalties have been completed in an appropriate manner. A determination that the penalties have not been appropriately completed may result in a denial of readmission following a suspension, continuation of probation, and/or additional sanctions/penalties.
- B. The definitions of the penalties are as follows:
 - 1. Expulsion from the College means that the student must leave the campus and shall not be eligible for readmission to Birmingham-Southern. Notation of the expulsion shall appear on the individual's permanent record.
 - 2. Suspension means that the individual must leave the campus and shall not be eligible for readmission to Birmingham-Southern until the end of the suspension term and upon the successful completion of all terms of suspension.
 - 3. Probation means that the individual must maintain a clear record for the duration of the penalty as set forth by the Conduct Officer or the Council. The duration of the probation may range from one semester to the end of a student's time at Birmingham-Southern College. During that time the Conduct Officer or the Council may impose other penalties during the probation period as stated in the section above.
 - 4. Restitution may be required of the offender in order to reimburse the College for damage or misappropriation of property. This may take the form of appropriate service or other compensation.
 - 5. The above list of penalties shall not preclude the authority of the Council to impose other appropriate penalties.

Article 10 - Appeal

- A. A written appeal from a finding by the Council may be made by the offender to the Vice President for Student Development within five days of the decision or before the last day of the term, whichever comes first. The Vice President for Student Development may review the case personally, or appoint a committee to review the case.
- B. An appeal shall be limited to a review of the full report of the Council, including the hearing transcript, for the purpose of determining whether it acted in accordance with procedural and substantive fairness. An appeal on the basis of substantive fairness may not contest the factual findings of the Council but is limited on the basis of the fundamental fairness of the penalty or the application of the standards of the Social Regulations and Policies.
- C. An appeal may not result in a more severe penalty for the accused by the Vice President for Student Development or committee appointed by the Vice President for Student Development, but may result in a reduction or removal of penalties without rehearing by the Council.
- D. An appeal in which the finding of the Council is reversed may be remanded to the Council for rehearing with a written opinion or directive of the reviewing authority.

- E. When the Vice President for Student Development elects to appoint a committee to review a case, the committee will be selected from a group of faculty, staff, and students who have been trained on the conduct process so that they are equipped to evaluate appeals on the grounds of substantive and procedural fairness. Size and make-up of the appeal committee will be determined by the Vice President for Student Development or his or her designee based on the nature of the case. The committee make-up will be no less than three (3) and no more than five (5) members, including the Vice President for Student Development or his or her designee who serves as the convener and maintains voting rights. No member of the appeal committee will have served in any aspect of the conduct process prior to appeal. Any appeal decision must be supported by a majority vote of the committee.

Article 11 - Reopening a Case

No case may be reopened unless new information is discovered. Such evidence must have been unknown to the Council at the time of hearing. If a case is reopened, procedures shall be as if it were a new case.

Article 12 - Amendment

An amendment to this Constitution shall originate in either the Student Government Association or the Honor Council and must be approved by two-thirds of the voting members of both bodies. Upon approval by the President of the College, the proposed amendment shall become effective.

Article 13 - Ratification

This Constitution shall become effective immediately upon approval by the Student Government Association and the Honor Council by a two-thirds majority of each body, and upon approval by the President of the College.

(Revised Fall 2019)

**Sexual Misconduct Policy
for
Birmingham-Southern College
("College")**

Effective Date: August 14, 2020 ("Effective Date")

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1. Introduction

The College prohibits the exclusion of any person, on the basis of sex, from participation in, to be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the College.[1] If not addressed by the College, sexual harassment and other forms of sexual misconduct as defined below constitute a form of discrimination on the basis of sex.[2] The purpose of this policy is to set forth the prompt and effective steps which the College will take to end sexual misconduct, prevent its recurrence, and, as appropriate, remedy its effects.[3] This policy applies to sexual misconduct involving the College's students, faculty, staff, and visitors and which occur against a person in the United States.[4] Any provision of any College policy or handbook which deals with sexual discrimination in any fashion is hereby superseded as of the Effective Date by this Sexual Misconduct Policy so that all forms of sexual misconduct involving the education programs of the College will be subjected to the remedial steps set forth in this policy.

Appendix "A" contains a list of names, physical addresses, email addresses, telephone numbers, and certain other information which may change from time to time. Appendix "A" may be updated from time to time by the Title IX Coordinators without College approval so as to maintain current information for use by the campus community. Nothing contained in this Sexual Misconduct Policy shall be deemed to have created a contract between the College and any student, faculty member, or staff member.

The College reserves the right to unilaterally change any provision of this policy without the consent of any other party.

2. Notification Requirements

The College hereby notifies applicants for admission and employment, students, and employees that the names of the employees designated as the Title IX Coordinators are set forth in Appendix "A." [5]

The College hereby notifies such persons that (a) the College does not discriminate on the basis of sex in the education programs or activities that the College operates, (b) the College is required by Title IX not to discriminate in such a manner, and (c) the requirement of the College not to discriminate in the education programs or activities extends to employment and admission.[6]

Inquiries about the application of Title IX to the College may be referred to the employee(s) designated by the College as its Title IX Coordinator(s) or to the Assistant Secretary of the Office of Civil Rights at the United States Department of Education, or both.[7]

A notice of the College's policy of nondiscrimination shall be widely disseminated on the College's campus and the College will prominently display a statement of this policy on its website and in each handbook or catalog that it makes available to applicants for admission and employment, students, and employees with the College.[8] The notice of

nondiscrimination shall also state the contact information for the Title IX Coordinator(s).[9] The College shall use or distribute a publication stating that the College does not treat applicants, students, or employees differently on the basis of sex.[10]

The College has adopted and published grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX. Additionally, the College's grievance process complies with Title IX §106.45 for formal complaints.[11] The College hereby provides notice of the College's grievance procedures and processes to applicants for admission and employment, students, and employees including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the College will respond in such cases, all of which is set forth in Sections 5 through 9 below .[12]

3. Definitions

As used in this policy, the phrases and words listed shall have the meanings set forth below:

Actual knowledge - Notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator(s) or any official of the College who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the College with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator(s) as described in the Notification section of this policy.[13]

Campus - Any building or property owned or controlled by the College within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, the College's educational purposes, including residence halls. Any building or property that is within or reasonably contiguous to any building or property owned or controlled by the College within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, College's educational purposes, that is owned by the College but controlled by another person, is frequently used by students, and supports College purposes such as a food or other retail vendor.[14]

Complainant - An individual who is alleged to be the victim of conduct that could constitute sexual harassment.[15]

Consent - Consent is clear, knowing, and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given verbally or non-verbally, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Previous relationships or prior consent does not imply consent to future sexual acts. Consent can be revoked at any time during a sexual interaction. Consent cannot be obtained through force and or coercion. A person who is incapacitated cannot give consent.[16]

Deliberately indifferent - A response to sexual harassment or other sexual misconduct that is clearly unreasonable in light of the known circumstances.[17]

Dating violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. "Dating violence" includes, but is not limited to, sexual or physical abuse or the threat of such abuse. "Dating violence" does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.[18]

Domestic violence - A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of the victim[19], (b) a person with whom the victim shares a child in common, (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) 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 in which the crime of violence occurred.[20]

Education Program or Activity of a College – Locations, events, or circumstances over which the College exercised 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 a postsecondary institution.[21]

Formal complaint - 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 with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator in Appendix “A”, and by any additional method designated by the College. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under 34 CFR 106 or under 34 CFR 106.45, and must comply with the requirements of 34 CFR 106, including 34 CFR 106.45(b)(1)(iii).[22]

Hostile Environment – An environment where the conduct of one or more individuals is sufficiently serious that it denies or limits a student’s, faculty member’s, or staff member’s ability to participate in or benefit from the College’s program based on sex. In determining whether a hostile environment exists, the College shall consider all relevant circumstances, including the following factors: (a) the degree to which the conduct affected the College’s educational programs, (b) the type, frequency and duration of the conduct, (c) the age and sex of the alleged harasser and the subject or subjects of the harassment, (d) the location of the incidents and the context in which they occurred, (e) other incidents at the College, and (f) incidents of gender-based, but nonsexual harassment.

Incapacitation – Any situation in which a person is incapable of giving consent due to the student’s age, state of consciousness, use of drugs or alcohol, or an intellectual or other disability.

Intimidation – The intentional act of coercing or frightening someone to engage or not engage in conduct of a sexual nature against the person’s will.

Non-consensual sexual contact - Any physical touching of a sexual nature which is not preceded by consent or which continues after a previous consent is withdrawn.

Non-consensual sexual intercourse - Any sexual intercourse which is not preceded by consent or which continues after previous consent is withdrawn.

Respondent - Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.[23]

Retaliation- The act of seeking revenge upon another person.[24]

Sexual Assault[25] - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.[26]

Sexual harassment- Conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the College 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”, “dating violence”, “domestic violence”, or “stalking” as defined herein.[27]

Sexual intercourse - Vaginal or anal penetration by a penis, object, tongue or finger and oral copulation.

Sexual misconduct – Any act of sexual harassment, sexual violence, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, quid pro quo, intimidation, or any act that creates a hostile environment or any act of retaliation against a complainant or anyone involved in a grievance procedure under this policy.

Sexual violence - Physical sexual acts perpetrated against a person's will or with a person who suffers from incapacitation. It also means same-sex conduct that violates the College's prohibition on sexual violence.

Stalking[28] - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others or (b) suffer substantial emotional distress.[29] Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.[30]

Standard of evidence – The standard of evidence that shall be used is the preponderance of the evidence standard where the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.

Supportive measures - 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 education 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 must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.[31]

Title IX Coordinator – The person designated as such by the College's President or the person temporarily designated by the Title IX Coordinator to serve in that capacity during the Title IX Coordinator's incapacity or absence from the College's campus.

Unwelcome conduct - Conduct is unwelcome if an individual did not request or invite it and regarded the conduct as undesirable or offensive. Acquiescence in the conduct or the failure to complain does not always mean that the conduct was welcome.[32]

4. Title IX Coordinator

The College's current lead Title IX Coordinator and any deputy Title IX Coordinator(s) are the individuals specified in Appendix "A".[33] The names and current contact information for these individuals, including the office address, electronic mail address, and telephone number can be found in Appendix "A", and on the College's website at: <https://www.bsc.edu/titleix/pdfs/Sexual-and-Gender-Based-Misconduct-Policy.pdf>. [34] All of the College's Title IX Coordinators shall work together to ensure consistent enforcement of its policies and Title IX.[35] The lead and deputy Title IX Coordinator(s) shall coordinate the College's efforts to comply with its responsibilities under this policy, guidance from the United States Department of Education, and federal statutes and regulations governing sexual misconduct.[36] Further, when designating a Title IX coordinator, the College will make efforts to designate a coordinator whose other job responsibilities will not create a conflict of interest.[37]

The Title IX Coordinator will assist the College in complying with Title IX and promoting gender equity in education.[38]

The College must inform the Title IX Coordinator(s) of all reports and complaints raising Title IX issues, even if the complaint was initially filed with another individual or office or the investigation will be conducted by another individual or office.

The College will ensure that the Title IX Coordinator(s) are/is appropriately trained and possess comprehensive knowledge in all areas over which the Title IX Coordinator(s) has/have responsibility in order to effectively carry out those responsibilities, including College policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the College.

5. College's Response to Sexual Harassment

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), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator(s), or by any other means that results in the Title IX Coordinator(s) receiving the person's verbal or written report.[39] Such 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 for the Title IX Coordinator(s).[40]

a. Response to Sexual Harassment in General

When the College has actual knowledge of sexual harassment occurring in any of the College's education programs or activities against a person in the United States, the College shall respond promptly in a manner that is not deliberately indifferent.[41] The College shall treat complainants and respondents equitably by offering supportive measures to a complainant, and by following the College's grievance policy before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.[42] Additionally, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.[43] The College will provide written notification of complainant's[44] options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to campus police or local law enforcement.[45] The College will respond in the manner described in this section with or without a formal complaint.[46]

b. College's Response to a Formal Complaint

When a formal complaint has been filed, the College shall follow all procedures consistent with Title IX and the College's grievance policy.[47]

The College may remove a respondent from the College's education program or activity on an emergency basis, after the College undertakes an individualized safety and risk analysis, determines that the respondent poses an immediate threat to the physical health or safety of any student or individual arising from the allegations of sexual harassment and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.[48] The College may also place a non-student employee respondent on administrative leave during the pendency of a grievance process.[49]

c. Confidentiality and Privilege

The College will provide information, in writing, about how the College will protect the confidentiality of complainants[50], including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the complainant[51], to the extent permissible by law.[52] The College shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.[53] The College shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.[54]

The College does not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.[55]

6. Grievance Procedures for Formal Complaints of Sexual Harassment

For purposes of addressing formal complaints of sexual harassment, the College will comply with the grievance procedures of this section. The College's grievance procedures treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with this section before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.[56] Remedies are designed to restore or preserve equal access to the College's education program or activity.[57]

a. Basic Requirements for Grievance Procedures

Grievance proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.[58] Proceedings shall provide a prompt, fair, and impartial investigation and resolution.[59]

The College's grievance procedures shall use an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence.[60] During the grievance process, credibility determinations may not be based on a person's status as a complainant, respondent, or witness.[61]

Any individual designated by the College who is to be involved in the College's grievance procedures, such as a coordinator, investigator, or decision-maker, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.[62] It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.[63] The College's grievance procedure includes reasonably prompt time frames for the conclusion of the grievance process. This includes reasonably prompt timeframes for filing and resolving appeals and informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent for the delay or extension and the reasons for the action.[64] "Good cause" may include consideration 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.[65]

The College's grievance procedures describe the range of possible sanctions and remedies that the College may implement following any determination of responsibility.[66] The grievance procedures also describe the standard of evidence to be used to determine responsibility. This standard of evidence is applied for formal complaints against students as well as formal complaints against employees, including faculty.[67] It shall be applied to all formal complaints of sexual harassment.[68]

b. Supportive Measures

The College must provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.[69] The College provides such written notification in Appendix "A". There are a range of supportive measures available to complainants and respondents. [70] Such supportive measures may include but are not limited to, 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.

c. Notice of Allegations

Upon receipt of a formal complaint from a student or employee or upon the initiation of a formal complaint by the Title IX Coordinator on behalf of the College, the College must provide the following written notice to the parties who are known: notice of the College's grievance procedures, including any information resolution process, notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. 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.[71]

The College's written notice must also include 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.[72]

The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence. In addition, the written notice must inform the parties that "lying in official matters" is a violation of the College's Honor Code. "Lying in official matters" means the statement of an untruth or the falsification of "official material" with intent to mislead administration, faculty, residence life staff, Campus Police officers, or Honor Council or Social Conduct Council members when acting in their official capacities. "Official material" means material having to do with course work, College administration, faculty, residence life staff, Campus Police, the Council, or the Social Conduct Council.[73]

If, in the course of investigation, the College decides to investigate allegations about the complainant or respondent that are not included in the notice requirements above, then the College will provide notice of the additional allegations to the parties whose identities are known.[74]

d. Investigations of a Formal Complaint

The College must investigate the allegations in a formal complaint.[75] If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the College's education program or activity, or did not occur against a person in the United States, then the College must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX.[76] However, such a dismissal does not preclude action under another provision of the College's code of conduct.[77]

As soon after the initiation of the investigation as possible, the Title IX Coordinator or the designated investigator shall notify all College employees or students who are believed to have documentary, electronic, or tangible evidence to

preserve such evidence for the investigation.[78] The College must also notify the complainant[79] of: (a) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order, (b) the agencies to whom the alleged offense should be reported, (c) options regarding law enforcement and campus authorities, including notification of the complainant's[80] option to (i) notify proper law enforcement authorities, including on-campus and local police, (ii) be assisted by campus authorities in notifying law enforcement authorities if the complainant[81] so chooses, and (iii) decline to notify such authorities.[82]

When investigating a formal complaint, the College must ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the College and not on the parties, provided that the College 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 College obtains that party's voluntary, written consent to do.[83]

The College must provide both 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 College 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.[84]

The College must also provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.[85] In addition, the College may not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.[86]

The College must provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.[87] The College may not limit the choice of advisor or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding.[88] Advisors are not required to be attorneys.[89] Additionally, the College may not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding.[90] However, the College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.[91]

The College must also provide to the party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interview, or other meetings with a party, with sufficient time for the party to prepare to participate.[92]

e. Investigative Report

The College is required to create an investigative report that fairly summarizes relevant evidence.[93] Prior to completion of an investigative report, the College must send each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format, or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.[94] The College must also provide a copy of the investigative report at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.[95]

f. Live Hearing

The College is required under Title IX to have a live hearing as part of the College's grievance procedures.[96]

During a live hearing, the College and the College's decision-maker(s) 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.[97] Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the parties' advisor of choice and never by a party personally, notwithstanding the discretion of the College to otherwise restrict the extent to which advisors may participate in the proceedings.[98] If a party does not have an advisor present at the live hearing, the College will 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.[99]

The College must also make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examinations.[100]

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.[101] Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct

alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.[102]

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) 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.[103]

Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.[104] Colleges must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.[105] At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.[106]

7. Determination Regarding Responsibility

For the purpose of making a determination regarding responsibility, the College must appoint decision-maker(s) who cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s) for the College's grievance procedures.[107] When making a determination regarding responsibility, the College must apply the standard of evidence as defined above.[108]

The College's decision-maker(s) must issue a written determination regarding responsibility.[109] The College must provide the written determination to the parties simultaneously.[110] The College's written determination must include:

- (a) identification of the allegations potentially constituting sexual harassment;
- (b) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (c) findings of fact supporting the determination;
- (d) conclusions regarding the application of the College's code of conduct to the facts;
- (e) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; and
- (f) the College's procedures and permissible bases for the complainant and respondent to appeal.[111]

The College must list all of the possible sanctions or supportive measures that the College may impose following the results of any College disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking in its annual security report, all of which are listed in Appendix "B".[112] In cases of alleged violence, sexual harassment, dating violence, sexual assault, or stalking, both the complainant and the respondent shall be simultaneously informed in writing of the outcome of any institutional disciplinary proceeding, the institution's procedures for the accused and the complainant[113] to appeal the results of the institutional disciplinary proceeding, any change to the results that occurs prior to the time that such results become final, and when such results become final.[114]

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.[115]

The Title IX Coordinator is responsible for effective implementation of any remedies.[116]

8. Appeals

The College must offer both parties an appeal from a determination regarding responsibility, and from a College's dismissal of a formal complaint or any allegations therein, on the following bases: (a) procedural irregularity that affected the outcome of the matter; (b) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or (c) 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.[117] Either party may appeal a determination regarding responsibility or a dismissal of a formal complaint or any allegations therein by filing appeal with the Title IX Coordinator within seven (7) days from the date of which the action subject to appeal was taken. The appeal shall be heard by trained decision-making individuals appointed by the President to review the matter, or by the President himself.

As to all appeals, the College must (a) notify the other party in writing when an appeal is filed and

implement appeal procedures equally for both parties; (b) ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator; (c) ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy and Title IX; (d) give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome; (e) issue a written decision describing the result of the appeal and the rationale for the result; and (f) provide the written decision simultaneously to both parties. [118]

9. Informal Resolution Process

College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section.[119] Similarly, College may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed.[120] However, at any time prior to reaching a determination regarding responsibility the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the College (a) provides to the parties a written notice disclosing: (i) the allegations, (ii) the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and (iii) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; (b) obtains the parties' voluntary, written consent to the informal resolution process; and (c) does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.[121]

10. Record Keeping

A College must maintain for a period of seven years records of each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the College's education program or activity; any appeal and the result therefrom; any informal resolution and the result therefrom; and all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.[122] Materials used to train Title IX Coordinators, investigators, decision-makers, and any persons who facilitates an informal resolution process will be publicly available on the College's website.[123]

The College shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.[124] In each instance, the College shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity.[125] If the College does not provide a complainant with supportive measures, then the College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.[126] The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.[127]

11. Prevention and Education

The College shall provide education programs to promote the awareness of rape, acquaintance rape, domestic violence, sexual assault, sexual harassment, and stalking, which shall include:

1. Primary prevention and awareness programs for all incoming students and new employees, which shall include:
 - a. A statement that the College prohibits the offenses of domestic violence, dating violence, sexual assault, sexual harassment, and stalking;
 - b. The definition of domestic violence, dating violence, sexual assault and stalking in the state of Alabama;
 - c. The definition of consent, in reference to sexual activity, in the state of Alabama;
 - d. Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, sexual assault, sexual harassment, or stalking against a person other than such individual;
 - e. Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.
 - f. Information described in 20 U.S.C. 1092(f)(8)(B)(ii) though (vii) (which may be found at <https://www.law.cornell.edu/uscode/text/20/1092>); and

2. Ongoing prevention and awareness campaigns for students and faculty including the information described in clauses (a) through (f) of subparagraph 1 above.[128]

12. Training

The College ensures that Title IX coordinators, investigators, and decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.[129] Coordinator(s) should be knowledgeable about other applicable Federal and State laws, regulations, and policies that overlap with Title IX.[130] Additionally, the College ensures that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.[131] Furthermore, the College ensures that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.[132]

The College uses training materials that do not rely on sex stereotypes to train coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.[133] The College also uses materials that promote impartial investigations and adjudications of formal complaints of sexual harassment to train coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.[134]

13. Retaliation Prohibited

The College or any other person may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.[135] 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 secured by title IX or this part, constitutes retaliation.[136] Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination.[137] The exercise of rights protected under the First Amendment does not constitute retaliation.[138] Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation.[139] However, a determination regarding responsibility alone will not be sufficient to conclude that any party made a materially false statement in bad faith.[140]

[1] 34 CFR §106.31

[2] 2001 Guidance, p. 2.

[3] 2001 Guidance, p. iii.

[4] 34 CFR §106.8(c).and (d); 34 CFR §106.31(b); 2001 Guidance, p. 13.

[5] 34 CFR §106.8(a)

[6] 34 CFR §106.8(b)(1)

[7] 34 CFR §106.8(b)(1)

[8] 34 CFR §106.8(b)(2)(i)

[9] 34 CFR §106.8(b)(2)(i)

[10]34 CFR §106.8(b)(2)(ii)

[11] 34 CFR §106.8(c)

[12] 34 CFR §106.8(c)

[13] 34 CFR §106.30(a)

[14] 34 CFR § 668.46(a)

[15] 34 CFR §106.30(a)

[16] 34 CFR §106.30(a) The Assistant Secretary will not require Colleges to adopt a particular definition of consent with respect to sexual assault, as referenced in this section.

[17]34 CFR §106.44(a)

[18] 34 CFR §668.46

[19] The use of the word "victim" in this policy stems from the use of that word in 34 CFR §668.46 and is not intended to infer the guilt or innocence of any party with respect to any crime or any violation of this policy.

[20] 34 CFR §668.46

- [21] 34 CFR §106.44(a)
- [22] 34 CFR §106.30(a)
- [23] 34 CFR §106.30(a)
- [24] <https://definitions.uslegal.com/r/retaliation/> (July 19, 2019).
- [25] 34 CFR § 668.46(a)
- [26] 34 CFR § 668.46(a)
- [27] 34 CFR § 106.30(a)
- [28] 34 CFR § 668.46(a)
- [29] 34 CFR § 668.46(a)
- [30] 34 CFR § 668.46(a)
- [31] 34 CFR §106.30(a)
- [32] 2001 Revised Sexual Harassment Guidance, pp. 7-8.
- [33] 34 CFR §106.8(a)
- [34] 34 CFR §106.8(a)
- [35] OCR Guidance on Title IX Coordinators (April 24, 2015), pp. 2-3
- [36] 34 CFR §106.8(a)
- [37] OCR Guidance on Title IX Coordinators (April 24, 2015), p. 3
- [38] OCR Guidance on Title IX Coordinators (April 24, 2015), p. 4
- [39] 34 CFR §106.8(a)
- [40] 34 CFR §106.8(a)
- [41] 34 CFR §106.44(a)
- [42] 34 CFR §106.44(a)
- [43] 34 CFR §106.44(a)
- [44] Although 34 CFR §668.46 and 20 U.S.C. §1092 refer to “victim”, this policy utilizes the word “complainant” because “complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment under 34 CFR§106.30(a). See Section III for the definition of “complainant.”
- [45] 34 CFR §668.46(b)(11)(v)
- [46] 34 CFR §106.44(b)(1)
- [47] 34 CFR §106.44(b)(1)
- [48] 34 CFR § 106.44(c)
- [49] 34 CFR §106.44(d)
- [50] See Note 46 above.
- [51] See Note 46 above.
- [52] 34 CFR §668.46(b)(11)(A)
- [53] 34 CFR §106.71(a)
- [54] 34 CFR §106.30(a)
- [55] 34 CFR 106.45(b)(1)(x)
- [56] 34 CFR §106.45(b)(1)(i)
- [57] 34 CFR §106.45(b)(1)(i)
- [58] 34 CFR §668.46(k)(2)(ii)
- [59] 34 CFR §668.46(k)(2)(i)
- [60] 34 CFR §106.45(b)(1)(ii)
- [61] 34 CFR §106.45(b)(1)(ii)
- [62] 34 CFR §106.45(b)(1)(iii)
- [63] 34 CFR §106.45(b)(1)(iv)
- [64] 34 CFR §106.45(b)(1)(v)
- [65] 34 CFR §106.45(b)(1)(v)
- [66] 34 CFR §106.45(b)(1)(vi)
- [67] 34 CFR §106.45(b)(1)(vii)
- [68] 34 CFR §106.45(b)(1)(vii)
- [69] 34 CFR §668.46 (b)(11)(iv)
- [70] 34 CFR §106.45(b)(1)(ix)
- [71] 34 CFR §106.45(b)(2)(i)(A)-(B)
- [72] 34 CFR §106.45(b)(2)(i)(B)
- [73] 34 CFR §106.45(b)(2)(i)(B)
- [74] 34 CFR §106.45(b)(2)(ii)
- [75] 34 CFR §106.45(b)(3)(i)

- [76] 34 CFR §106.45(b)(3)(i)
- [77] 34 CFR §106.45(b)(3)(i)
- [78] 34 CFR §668.46(b)(11)(ii)(A)
- [79] See Note 46 above.
- [80] See Note 46 above.
- [81] See Note 46 above.
- [82] 34 CFR §668.46(b)(11)(ii)(A)
- [83] 34 CFR §106.45(b)(5)(i)
- [84] 34 CFR §106.45(b)(5)(vi)
- [85] 34 CFR §106.45(b)(5)(ii)
- [86] 34 CFR §106.45(b)(5)(iii)
- [87] 34 CFR §106.45(b)(5)(iv)
- [88] 34 CFR §106.45(b)(5)(iv)
- [89] 34 CFR §105.45(b)(5)(iv)
- [90] 34 CFR §106.45(b)(5)(iv)
- [91] 34 CFR §106.45(b)(5)(iv)
- [92] 34 CFR §106.45(b)(5)(v)
- [93] 34 CFR §106.45(b)(5)(vii)
- [94] 34 CFR §106.45(b)(5)(vi)
- [95] 34 CFR §106.45(b)(5)(vii)
- [96] 34 CFR §106.45(b)(6)(i)
- [97] 34 CFR §106.45(b)(6)(i)
- [98] 34 CFR §106.45(b)(6)(i)
- [99] 34 CFR §106.45(b)(6)(i)
- [100] 34 CFR §106.45(b)(5)(vi)
- [101] 34 CFR §106.45(b)(6)(i)
- [102] 34 CFR §106.45(b)(6)(i)
- [103] 34 CFR §106.45(b)(6)(i)
- [104] 34 CFR §106.45(b)(6)(i)
- [105] 34 CFR §106.45(b)(6)(i)
- [106] 34 CFR §106.45(b)(6)(i)
- [107] 34 CFR §106.45(b)(7)(i)
- [108] 34 CFR §106.45(b)(7)(i)
- [109] 34 CFR §106.45(b)(7)(i)
- [110] 34 CFR §106.45(b)(7)(iii)
- [111] 34 CFR §106.45(b)(7)(ii)(A)-(F)
- [112] 34 CFR §668.46(k)(1)(k)(iii)
- [113] See Note 46 above.
- [114] 20 U.S.C. § 1092(f)(8)(B)(iv)(III)
- [115] 34 CFR §106.45(b)(7)(iii)
- [116] 34 CFR §106.45(b)(7)(iv)
- [117] 34 CFR §106.45(b)(8)(i)
- [118] 34 CFR §106.45(b)(8)(iii)
- [119] 34 CFR §106.45(b)(9).
- [120] 34 CFR §106.45(b)(9)
- [121] 34 CFR §106.45(b)(9)(i)-(iii)
- [122] 34 CFR §106.45(b)(10)(i)(A)-(D)
- [123] 34 CFR §106.45(b)(10)(i)(A)-(D)
- [124] 34 CFR §106.45(b)(10)(ii)
- [125] 34 CFR §106.45(b)(10)(ii)
- [126] 34 CFR §106.45(b)(10)(ii)
- [127] 34 CFR §106.45(b)(10)(ii)
- [128] 34 CFR §668.46(j)
- [129] 34 CFR §106.45(b)(1)(iii)
- [130] OCR Guidance on Title IX Coordinators (April 24, 2015), p. 6.
- [131] 34 CFR §106.45(b)(1)(iii)
- [132] 34 CFR §106.45(b)(1)(iii)

- [133] 34 CFR §106.45(b)(1)(iii)
- [134] 34 CFR §106.45(b)(1)(iii)
- [135] 34 CFR §106.71(a)
- [136] 34 CFR §106.71(a)
- [137] 34 CFR §106.71(a)
- [138] 34 CFR §106.71(b)(1)
- [139] 34 CFR §106.71(b)(2)
- [140] 34 CFR §106.71(b)(2)

Appendix “A”

Contact Information for Title IX Coordinator and Supporting Services Date: August 14, 2020

Title IX Coordinator’s Name and Contact Information	David M. Eberhardt, Jr. Ed.D. Title IX Coordinator (Lead) Norton Campus Center 230B Birmingham-Southern College Box 549014, Birmingham, AL 35254 deberhar@bsc.edu 205-226-4722 (office), 205-218-4377 (cell); https://www.bsc.edu/titleix/Report.html
On-Campus Counseling Services	Cara Blakes Norton Campus Center 252 clblakes@bsc.edu 205-226-4717
Off-Campus Counseling Services	For Sexual Violence Crisis Center 3600 8th Ave South, Suite 501 Birmingham, AL 35222 205-323-7273 For Dating/Domestic Violence YWCA of Central Alabama 309 23rd St North Birmingham, AL 35203 205-322-9922
On-Campus Healthcare Services	Ms. Yvette Spencer, RN Director, Health Services Norton Campus Center 250 yspencer@bsc.edu 205-226-7720 Cahaba Medical Care @ BSC Norton Campus Center 240 205-226-4717
Off-Campus Healthcare Services	Sexual Assault Nurse Examiner Crisis Center 3600 8th Ave South, Suite 501 Birmingham, AL 35222 205-323-7273 Any local emergency room for immediate needs, and numerous urgent care clinics (i.e., American Family Care, Cahaba Medical Care) in the Birmingham area.
On-Campus Mental Health Services	Cara Blakes Norton Campus Center 252 clblakes@bsc.edu 205-226-4717
Off-Campus Mental Health Services	Grayson & Associates 2200 Lakeshore Dr #150 Birmingham, AL 35209 205-871-6926

	Numerous other mental health support resources in the local area are available for referral from the Birmingham-Southern College Counseling Office (without the need to see a BSC counselor regarding concerns).
On-Campus Victim Advocacy Services	There is an emerging on-campus victim advocacy service program for 2020-2021. Information will be updated when available.
Off-Campus Victim Advocacy Services	For Sexual Violence – Crisis Center, 3600 8th Ave South, Suite 501 Birmingham, AL 35222 205-323-7273 For Dating/Domestic Violence – YWCA of Central Alabama 309 23rd St North Birmingham, AL 35203 205-322-9922
Legal Services	One Place Justice Center 1135 14th Ave South Birmingham, AL 35205; oneplacebham1@outlook.com 205-453-7261
Emergency Medical Services	On-Campus – 205-226-4700 Off-Campus – 911 (When possible, after calling 911, please call the BSC number above to allow the opportunity for Campus Police to assist EMS)
Campus Security/Police Department	BSC Campus Police Student Services 270 campuspolice@bsc.edu (emails all officers including any on-duty officers), or jharris@bsc.edu (Chief Harris' email) 205-226-4700
Local Police Department	Birmingham Police Department, West Precinct (for on campus incidents) 2236 47th Street Ensley Birmingham, AL 35208 205-254-2683 Note: There are other nearby police departments connected to municipalities beyond campus and the immediate Birmingham area.
Local Sheriff's Office	Jefferson County Sherriff's Office 2200 Reverend Abraham Woods Jr Boulevard Birmingham, AL 35203 205-325-5700
State Police	Alabama Law Enforcement Agency, Birmingham Post 908 Bankhead Hwy W Birmingham, AL 35204 205-252-7445

Appendix “B”

Possible Sanctions or Supportive Measures That College May Impose Following the Results of Any College Disciplinary Proceeding under this Policy

The possible sanctions that College may impose include general probation, residential probation, conduct probation, conduct probation without representation, disciplinary suspension, residential suspension, social suspension, expulsion, and residential suspension.

The possible supportive measures that College may impose include counseling, training and tutorials (in-person and/or online) directly related to the circumstances involved in the violation, research and written assignments, engagement/attendance at relevant activity within the local community, and other educational sanctions.

EXPLANATION OF SANCTIONS

Questions often arise about the meaning and practical implications of various sanctions that are imposed following violations of the Student Conduct Policy and other College regulations and policies. The following information is intended to help clarify some of the potential penalties for individual students or groups comprised of students.

Educational Sanctions

A primary purpose of the Student Conduct process is to ensure that students learn from incidents involving their violation of College regulations and policies so they will not continue to exhibit the same behaviors. Many of the sanctions applied to students will require them to complete assignments or tasks directly related to their violation, and therefore will vary widely. Examples of such sanctions include service to the College for vandalism to campus property, or research papers and essays when knowledge may be gained by seeking information and reflecting on the behaviors involved in an incident. Counseling may be required when circumstances indicate such help would benefit the student. Online programs and tutorials are another common outcome following violations.

Restitution

When students' actions lead to theft or damages of College property or grounds, students will become responsible for paying for the replacement or repair of the property. The replacement values and costs for College property will be determined by appropriate officials of the College (i.e., relevant Vice President overseeing area where damage requires repair), and failure to pay will create an issue of non-compliance requiring further action from the College, up to and including removal from enrollment. When damages occur to other individuals' property, the College may require restitution to those affected students. However, the College will not intervene in matters between two or more disputing parties who can avail themselves of the methods available in the legal system to resolve issues of restitution and any other related damages. The College will try to provide support to all affected students to minimize disruption to their academic progress, insofar as personnel are able to provide such support.

Drug Testing, Searches, and Related Measures

Students found to have violated substance abuse policies of the College will commonly be required to submit to drug testing on randomly chosen days for a specified time period, to searches of their personal spaces and property on campus, and to any other relevant measures to determine if an individual has illegal drugs or related materials in their possession. Positive drug test results, possession of illegal materials, or other violations that occur in these circumstances, or failure to comply with a directive related to such follow up within the allotted time frame, will lead to further significant sanctions from the College including suspension or expulsion.

Probation

Probationary status primarily means that any further violations of College policies during the term of probation will lead to stronger sanctions for the subsequent violation than would have occurred had the student not been under probationary status. As indicated in the Honor and Social Council Constitutions, students must maintain a clean conduct record during the term of probation. The various probation levels outlined below indicate additional consequences that are likely to be imposed as part of the specific probation sanction.

Residential Probation: A restriction on students' privileges within the residential living environment. Probation will often mean that any further violation of residential policies will lead to suspension from the living environments on campus.

Conduct Probation: The limitations on students vary widely within Conduct Probation. Examples might include denial of driving privileges on campus or an inability to host guests on-campus or in assigned residences. The conditions of Conduct Probation will typically relate directly to the violation of College policy by students.

Conduct Probation without Representation: The restrictions on students under Conduct Probation without Representation are typically more severe than under Conduct Probation alone, but include those areas noted above. Among the stipulations under this status, students are prevented from representing the College to various internal and external audiences. This limitation includes participation as a member of an athletic team, artistic or theater performance (where academic credit is not involved), and similar co-curricular activities. In addition, students may not hold leadership positions within campus organizations while under this probationary status. The specific positions are considered on an individual basis due to the diversity of roles for students in campus groups.

Disciplinary Suspension

Disciplinary suspension means that students are removed from enrollment in the College, effective according to the time indicated to the students during the conduct process, which may occur immediately or during a future term.

When under this level of suspension, individuals must leave the campus and are not permitted to be on campus, unless an exception is made for a specified time and purpose by an appropriate College official. Individuals who have been suspended must apply for readmission to the College if they wish to return. However, individuals will not be eligible for readmission to Birmingham-Southern until the end of the suspension term and upon the successful completion of all terms of suspension, along with any other sanctions required of the student. In addition, credit for courses taken at other institutions of higher education during the term of suspension will not be transferable back to Birmingham- Southern College.

Other less severe types of suspension remove an individual from enjoyment and participation in particular activities associated with being a student, which are outlined below.

Social Suspension

A limitation on students' ability to attend and participate in various social programs and community activities on campus defines social probation. Examples of Social Suspension include denial of permission to attend campus-wide concerts (i.e. E-Fest) or athletic contests, or prohibiting a student from being present on Fraternity Row either for informal gatherings with friends or for organized activities. Groups placed on social suspension are not allowed to host events for a determined amount of time.

Residential Suspension

A limitation on students' ability to be present or live in any or all designated residential areas of campus. Examples of Residential Suspension include students' removal from a residence hall in which they have exhibited a pattern of noisy or otherwise disruptive behavior, or removal from a space where a particular conduct violation may have occurred.

Notice of all suspensions, probations, and other sanctions will be made in students' disciplinary records, both paper and electronic as appropriate. Such notations may be removed through expungement (see Expungement Policy in this Student Handbook).

Expulsion/Disciplinary Dismissal

Expulsion from the College is the maximum penalty that the College can impose on students, as it removes individuals from the College community permanently without the possibility of returning for further study. Dismissed students are also permanently banned from the campus property nor allowed at College events away from campus.

Notation of all disciplinary dismissals will be made in students' permanent records. Permanent records include their academic transcripts, as well as paper and electronic disciplinary files that hold all relevant materials connected to the violation.

(Revised Fall 2019)

POLICIES OF THE COLLEGE

SOCIAL CONDUCT POLICY

The following types of misconduct that are subject to disciplinary action include, but are not limited to:

- Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, student events, athletic contests, or any other College activities.
- Failure to comply with the directions of College officials, law enforcement officers, or hearing panels acting in the performance of their duties, or to respond honestly to their requests for information. Lack of honesty may also be considered violations of the Honor Code and handled by the Honor Council.
- Physical, written, or verbal abuse of a member of the College community, or any other person on College premises or at College sanctioned events.
- Behavior which threatens, intimidates, or endangers the health or safety of any person or persons on College premises or at a College sanctioned event or program.
- Damage to College property or to the property of a member of the College community or other personal or public property, on or off campus.
- Conduct which is disorderly, lewd, indecent or obscene.
- Conduct which could be construed to be a violation of civil law on or off College premises in a way that affects the College community's pursuit of its proper educational purposes.
- Violation of any College policy, rule, or regulation published in other official College documents, including but not limited to the College's Catalog and Residence Life Policies, or available electronically on the College's official website.
- Violation of any federal, state, or local law
- Behavior by guests of students which violates any policy, rule, or regulation of the College.
- Presence during a violation of the above listed provisions of the Student Conduct Policy, even though the student is not directly involved in the violation, if the student had prior knowledge of the violation and/or takes no preventive action to see that the violation ceases and/or fails to inform College officials.

In addition, behavior which violates other College policies, including but not limited to the following:

- Alcohol Policy
- Driving Under the Influence Policy
- Illegal Drug Policy
- Weapons Policy
- Hazing Policy

(Revised Fall 2020)

ALCOHOL POLICY

- A. Possession, distribution, and personal consumption of alcohol must comply with all relevant local, state, and federal laws and regulations governing alcohol. Specifically, these laws and regulations prohibit:
 1. Persons under 21 years of age from purchasing, attempting to purchase, possessing, or consuming alcoholic beverages.
 2. Public intoxication as evidenced by disruptive and/or offensive conduct or endangerment of self, others, or property.
 3. Distribution of alcohol to persons under 21 years of age.
 4. Driving while under the influence of alcohol or controlled substances.
 5. Unlicensed sale, or possession for sale, of any alcoholic beverages.
- B. All residents under 21 years of age are prohibited from having any alcoholic beverages or empty alcohol containers in their assigned residence.
- C. Alcohol violations committed by a student under 21 years of age may be reported to the parents/guardian of that student when such action is deemed appropriate by the College officials adjudicating the violation.
- D. The possession, consumption, or distribution of alcoholic beverages is permitted in the assigned residences of residents who are 21 years of age or older, the fraternity houses, and the outdoor areas immediately behind the fraternity houses as long as it complies with the expectations outlined within this policy. All other areas of campus, including residential common spaces and outdoor public spaces, are alcohol-free. Exceptions to this policy must be requested in writing to the Office of Student Development at studev@bsc.edu.
- E. When permitted in outdoor public areas, alcoholic beverages must be in containers which are opaque and not identifiable as holding alcoholic beverages.
- F. Possession of a fraudulent or altered Driver's License or other false form of identification in an attempt to possess, purchase, or consume alcohol is prohibited. Presenting another person's Student I.D. or Driver's License is considered a violation of this policy.
- G. Kegs, common source, or other large distribution containers are not permitted on campus. Exceptions to this policy must be made in writing to the Office of Student Development and may be considered in unique circumstances.
- H. An organization which sponsors an on-campus or off-campus event where alcoholic beverages will be present must also adhere to the following regulations:
 1. The event must be registered with the Office of Student Development via Engage and receive formal event approval.
 2. Non-alcoholic beverages, including water, and food must be provided at the event.
 3. There may be no mention or reference to alcohol in event publicity.
 4. Identification (Student I.D. and/or Driver's License) should be checked upon entering the event and guests should be clearly identified as 21 years of age or older or under 21 years of age via wristbands. Campus Police or the sponsoring organization will be responsible for distributing wristbands at the designated entry point of the event. It is the ultimate responsibility of the sponsoring organization to ensure that the expectations of the alcohol policy are being adhered to at the event.
 5. If event is BYOB (Bring Your Own Beverage):
 - a. Only those of legal age will be permitted to bring alcoholic beverages into the event space.
 - b. Reasonable limits will be set regarding the amount of alcohol an individual will be permitted to bring to the event (e.g., 2 – 12 oz cans per event hour, limit of 6 for an event).
 - c. No glass containers are permitted at on-campus events.

(Revised August 2020)

DRIVING UNDER THE INFLUENCE (DUI) POLICY

- A. Students are not permitted to drive on campus while under the influence of alcohol or drugs.
- B. Determination of influence may include, but is not limited to, the following:
 - 1. Field Sobriety Exercises
 - 2. Breathalyzer
 - 3. Drug Test
 - 4. Common signs of intoxication, such as slurred speech and impaired consciousness
- C. Failure or inability to comply with Campus Police officers' directions to test for influence of drugs or alcohol will result in the presumption of influence by these substances.
- D. Sanctions for driving under the influence while on campus may result in, but are not limited to, Expulsion, Suspension, Loss of On-Campus Driving Privileges, Fines, Parental Notification, Restitution for damages, Referrals for education or counseling, etc.

ILLEGAL DRUG POLICY

Possession of illegal drugs or drug paraphernalia, the manufacture, sale, or distribution of such drugs, or the facilitation of access to such drugs is prohibited by the College. Substances intended as alternatives to illegal drugs, such as synthetic cannabis, salvia divinorum and similar materials, fall within this policy, as well. Possession or use of prescription medicine, except within the orders of a medical professional, or the sale or distribution of such drugs, is also prohibited by the College.

Where there is reasonable cause to believe that drug possession, abuse or misuse is occurring on College property or at College events, any area may be entered for investigation at any time and without notice by an official of the College. When reasonable suspicion of drug possession, abuse or misuse exists, Campus Police may conduct a search of an individual, personal effects, or residential area, including any residence hall room or apartment with verbal authorization from another Campus Official. Searches can be authorized by any member of the Residence Life professional staff (e.g., Director, Assistant Director, Graduate Assistants), the Assistant Dean of Students, the Associate Dean of Students, the Vice President for Student Development, any Student Development staff serving in the duty rotation, the Vice President for Administration, the Provost of the College, or the President of the College. Search authorization should be documented in the incident report, identifying the reason for the search, the officer conducting the search, the staff member who provided authorization, and the areas to be searched.

In addition, if reasonable suspicion exists of drug use, the College reserves the right to require drug tests at students' expense as part of an investigation. If students are found to have violated the College's illegal drug policy, either through positive drug screens or other evidence, the College may require students to submit to random drug testing for a defined period of time following their violation, again at the students' expense.

Charges made for violation of this Illegal Drug Policy will be handled by officials in Student Development, including Residence Life, unless Administrative Action is taken by the President. The College may report to the civil authorities anyone charged with violation of drug laws.

When disciplinary action is taken in cases of alleged drug abuse on or off campus, such action may or may not be concurrent with any action pending by the civil authorities. The College will cooperate with civil authorities in the enforcement of drug abuse laws on and off campus.

While the College prohibits the use, possession, or sale of drugs by its students, and its regulations are consistent with civil laws, the College will undertake an educational approach with respect to drug abuse. Any student who voluntarily submits himself or herself or who is referred by others for counseling and help with the problem of drug use will be assisted. A student who has violated the College's illegal drug policy may be required to enter a program which provides professional help for drug abuse. In all such cases, the College will be concerned with the guarantees of fairness with respect to any member of the College community. The Responsible Friend Policy applies to drug-related emergencies.

(Revised August 2017)

INFORMATION RELATED TO ALCOHOL AND DRUG USE AND ABUSE

DON'T DRINK AND DRIVE

Don't drink and drive. And don't let a friend drink and drive. If you find yourself in such a situation, where you or your driver is not able to drive safely, use a rideshare service, contact a taxi company, or call Campus Police (226-4700) to provide further guidance.

HEALTH RISKS ASSOCIATED WITH ALCOHOL ABUSE

Psychological and physical addiction; respiratory depression; depression of the immune system; increased risk of the following: heart disease, cancer, accidents, and hypertension; damage to unborn fetus; risk of impotence; brain damage; possible death at high dosage levels.

ALCOHOL/DRUG ABUSE — WHERE TO FIND HELP

BSC Counseling and Health Services — (205) 226-4717

Alcoholics Anonymous — (205) 933-8964

Al-Anon and Alateen Information Service — (205) 322-1500

Alcohol and Drug Abuse Council — (205) 933-1213

Alcoholism Information Center — (205) 322-0445

The Bradford Center — (205) 833-4000, (205) 647-1945

UAB Addiction & Recovery Program – (205) 932-3411

Although Birmingham-Southern College has specific policies regarding drug and alcohol abuse, the goal of the College is to undertake an educational approach regarding alcohol and drug abuse. Counseling Services and Health Services is available to assist you in the areas of alcohol and drug dependency and abuse. Counseling Services and Health Services sponsor programs (Alcohol/Drug Awareness Week) in the areas of alcohol and drug abuse, and are ready to meet with you to support you or anyone for whom you express concern

(Revised Fall 2020)

RESPONSIBLE FRIEND POLICY

Birmingham-Southern College cares deeply about the health and safety of our students. In keeping with this commitment, individuals who contact Campus Police or other College officials for an alcohol or drug-related emergency will not be subject to the campus disciplinary process for possession or use of alcohol or drugs based on their actions as a responsible friend. In addition, an impaired student who receives medical attention as a result of the actions of a responsible friend will not face disciplinary action.

A responsible friend must do the following:

- Contact Campus Police or another College official on behalf of an impaired student
- Remain with the impaired student until help arrives
- Cooperate fully and honestly to ensure the appropriate care is provided

In place of disciplinary action, College officials will follow-up with responsible friends and the impaired student with a care-based, educational response that matches the circumstances of the incident. Students must comply with the terms of the educational response to maintain responsible friend status.

The responsible friend policy applies every time an individual seeks help for an impaired student and acts in accordance with the expectations detailed above.

For students requiring medical attention, the responsible friend policy is intended to be a one-time protection that provides students with the opportunity to learn and make safer, more responsible choices in the future. The application of the responsible friend policy will be at the discretion of College officials should additional incidents occur.

In light of these protections, it is an expectation that every student will seek help when necessary. Students who choose not to seek assistance on behalf of another student will face disciplinary action. When in doubt, call for help.

As stated above, this policy applies to medical emergencies related to the use and/or possession of alcohol and drugs. The responsible friend policy does not apply to other campus policies including, but not limited to hazing, physical or verbal abuse, sexual misconduct, property damage, or distribution of illegal drugs. However, positive action to help any student, no matter the circumstances, will be viewed as a mitigating factor in the conduct process.

RESPONSIBLE FRIEND POLICY & CAMPUS ORGANIZATIONS

The College also recognizes that campus organizations may be well positioned to serve in the capacity of a responsible friend. When an organization contacts Campus Police or other College officials out of concern for an alcohol or drug-related emergency, the College commits to the following:

- Individual members who actively seek help in accordance with the expectations outlined above will be viewed as responsible friends, and thus, will not be subject to disciplinary action for possession or use of alcohol or illegal drugs.
- Organizations found to have made a good faith effort to adhere to risk management guidelines and campus policy (e.g., trained and responsive sober monitors, elimination of high risk drinking activities—common source, mixed drinks, shots, drinking games.) will not face organizational disciplinary action.
- Even when an organization is found not to have met expectations regarding risk management, positive action on behalf of another student, cooperation with Campus officials, and ownership of organizational missteps will be viewed as mitigating factors when determining an appropriate response.

In light of these commitments, it is an expectation that every organization seek help when necessary. Organizations that choose not to seek assistance on behalf of another student will face significant disciplinary action up to and including loss of organizational recognition. When in doubt, call for help.

As stated above, this policy applies to medical emergencies related to the use and/or possession of alcohol and drugs. The responsible friend policy does not apply to other campus policies including, but not limited to hazing, physical or verbal abuse, sexual misconduct, property damage, or distribution of illegal drugs. However, positive action to help any student, no matter the circumstances, will be viewed as a mitigating factor in the conduct process.

(Created August 2016)

HAZING POLICY

Birmingham-Southern College strictly forbids any type of physical, written or verbal abuse of members of any campus organization, athletic team, fraternity or sorority at any time. Undue pressure to perform any activities that are contrary to the College's educational pursuits or are illegal, unethical, or result in any type of personal humiliation, are considered hazing and are, therefore, prohibited. Any violation of this policy will result in disciplinary action.

WEAPONS AND FIREARMS POLICY

The College prohibits any person from possessing weapons or firearms (including pellet guns or bb guns), a rifle (including air and spring-loaded rifles or devices), shotgun, handgun, knife (excluding small pocket knives), switchblade, slingshot, balloon launcher, paintball guns, bow, explosives of any type (including fireworks) or other lethal or dangerous weapons or devices capable of causing harm to another person. Possession is defined as carried on the person, in a building, , or in a vehicle on campus beyond the front gate.

Firearms and legal hunting devices may be stored in the Campus Police Office. Violation of this policy may result in fines or other disciplinary action up to and including immediate expulsion from the College.

PET POLICY

Students may not keep pets inside or outside the residence halls, apartments, fraternity/sorority houses, or administrative buildings. The only exceptions to this rule are for students and visitors who require the use of a registered service animal or students who are approved by the Office of Accessibility for an emotional support animal in accordance with the [Service and Assistance Animal Policy](#). All approved animals on campus must be properly leashed and accompanied at all times by the owner. Students are permitted to have fish in a tank up to 10 gallons in their rooms with the consent of their roommate(s). A fine of \$250.00 will be imposed for violations of this policy.

GUEST POLICY

Current students at the College are allowed to invite guests to campus to visit them. A guest is defined as anyone not currently enrolled at the College, including parents, siblings, other family members, and friends. Guests of students are expected to abide by the rules, policies and procedures of the College. Students are responsible for the actions of their guests, and will suffer disciplinary consequences for any poor behavior displayed by their guests, including loss of the ability to host guests, restitution for any damages their friends cause, and similar appropriate sanctions.

SMOKING POLICY

In order to protect the health and welfare of the campus community, smoking, as well as the use of electronic cigarettes and vape devices is prohibited in all College buildings, as well as within 50 feet from College buildings unless otherwise designated as an approved smoking space.

In addition, hookahs are strictly prohibited anywhere on campus. While the College recognizes that some students may utilize hookahs to smoke legal substances using safe and responsible methods, the potential fire risk that hookahs present to the campus community is significant. Any hookah found on campus will be immediately confiscated.

The fine for violating this smoking policy will be \$50.00 for the first violation, with subsequent violations incurring greater penalties, including referral to the Social Council and possible loss of housing privileges on campus.

OPEN FIRES POLICY

Students may not have open flames in their residence hall rooms or apartments. Additionally, outdoor fires for recreational or disposal purposes are not permitted without the permission of the Office of Student Development. In cases where permission is granted, a permit from the City of Birmingham Fire Department will be required.

DISCRIMINATION AND HARASSMENT POLICIES AND PROCEDURES

Birmingham-Southern College does not discriminate on the basis of race, color, national origin, ethnic origin, sex, sexual orientation, age, disability, genetic information, or status as a protected veteran in employment or the rights, privileges, programs, and activities generally accorded or made available to students at the school, administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs. This statement of non-discrimination applies to educational programs, educational policies, admissions policies, educational activities, employment, access and admission, scholarship and loan programs, and athletic and other school-administered programs.

Any person having inquiries concerning compliance with implementation of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 or other civil rights laws should contact one of the following individuals, whom BSC has designated to handle inquiries regarding non-discrimination policies: Title IX Coordinator, David Eberhardt, Vice President for Student Development, Norton Campus Center, Room 230, 205-226-4722; Section 504 Coordinator/ Disability Access and Accommodation, Olin Building, 205-226-7909; or EEO/AA Officer, Susan Kinney, Director of Human Resources, Munger Hall, Room 308, 205-226-4645.

HARASSMENT DEFINED

Birmingham-Southern College will not tolerate any form of harassment, be it based in racial, ethnic, sexual, religious or other grounds outlined in this policy. Harassment may include, but is not limited to, verbal or written remarks. In addition, cyber-bullying, understood as the deliberate use of electronic or online communication methods (i.e. blogs, emails, social networking sites, texting) to communicate harassing language, falls within this policy. Any such harassment by students will be considered a violation of the Student Conduct Policy and will result in disciplinary action.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, disability, sex, age, veteran status, or sexual orientation or that of his/ her relatives, friends, or associates, when it:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working and/or educational environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work and/or academic performance; or
3. Otherwise adversely affects an individual's employment and/or academic opportunities.

Examples of harassment include, but are not limited to the following:

- Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, national origin, disability, sex, age, veteran status, or sexual orientation.
- Written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, religion, national origin, disability, sex, age, veteran status, or sexual orientation and that is placed on walls, bulletin boards, or elsewhere on Birmingham-Southern College premises, or circulated in the workplace. This also includes acts that purport to be or are meant to be "jokes" or "pranks", but are hostile or demeaning, such as hate mail, threats, cartoons, defaced photographs, and other similar material or conduct.

Sexual harassment is a particular form of harassment, and is defined as unwelcome sexual advances, requests for sexual favors and any other physical or verbal conduct of a sexual nature when:

- a. Submission to the conduct is an explicit or implicit term or condition of employment or continued employment;
- b. Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion, or evaluation;
- c. The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or educational experience or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to the following:

- unwelcome sexual propositions; sexual innuendo
- suggestive remarks
- vulgar or sexually explicit comments
- gestures or conduct
- sexually oriented kidding
- teasing or practical jokes
- and physical contact, such as touching another's body, pinching or patting.

APPLICABLE PROCEDURES

Bringing a Complaint Against a Faculty Member

1. Any member of the College community (the complainant) who believes that he or she has been the victim of sexual harassment by a faculty member may bring the matter to the attention of the Provost or the chairperson of the Faculty Advisory Committee, who will then notify the Director of Human Resources that a complaint has been made.
2. The College cannot be responsible for conduct of which it is unaware and, thus, for this policy to be effective it must have the support of the College community and violations must be reported in accordance with this policy. The complainant is strongly encouraged to present the complaint promptly after the alleged harassment occurs.
3. The chairperson of the Faculty Advisory Committee will act as grievance officer to hear the complaint. If the chairperson of the Faculty Advisory Committee or the Director of Human Resources decides it is undesirable or inappropriate that the chairperson serve as grievance officer to hear a particular complaint, the Chairperson will suggest to the Director of Human Resources another member of the Faculty Advisory Committee to serve as grievance officer for that particular complaint. Any member of the Faculty Advisory Committee who is a party to the complaint will seek a recusal from his or her duties as a member of the Faculty Advisory Committee. Parties to the complaint are prohibited from participating in the activities of the Faculty Advisory Committee when the Advisory Committee is reviewing the complaint.
4. The initial discussion between the complainant and the grievance officer should occur within 10 working days of the initiation of the complaint and will be kept confidential, with no written record. If the complainant, after an initial meeting with the grievance officers, decides to proceed, the complainant should submit a written statement to the grievance officer. Cases involving sexual harassment are particularly sensitive and demand special attention to issues of confidentiality. Dissemination of information relating to the complaint should be strictly limited, in order that the privacy of all individuals involved is safeguarded as fully as possible.
5. The grievance officer will immediately inform the alleged offender of the allegation and the identity of the complainant. The complainant's written statement will be given to the alleged offender at the time he or she is informed of the complaint. Every effort should be made to protect the complainant from retaliatory action by the person(s) named in the complaint. The College expressly forbids any retaliation against persons who utilize this policy. If pertinent, personal safety and security issues should be addressed.

Resolution of the Complaint

1. Promptly after a written complaint is submitted, the grievance officer should initiate whatever steps he or she deems appropriate to effect an informed resolution of the complaint acceptable to both parties. The grievance officer will provide the Director of Human Resources of the College and the alleged offender with a copy of this request.
2. The complainant, if unsatisfied with the resolution proposed by the grievance officer, will have access to special grievance procedures upon prompt submission of a written request to the grievance officer. The grievance officer will provide the Director of Human Resources and the alleged offender with a copy of this request.
3. At the request of the Director of Human Resources, the Faculty Advisory Committee will serve as the sexual harassment grievance committee. The committee may determine its own rules of procedure, conduct its own inquiry, call witnesses including the parties to the dispute individually or jointly, and gather whatever information necessary to determine the merits of allegations. The committee will not be bound by rules of legal evidence, and may admit any probative information. Legal counsel will not be permitted to appear before any hearings or meetings of the sexual harassment grievance committee. Once a determination about the validity of the allegations has been reached, the committee's opinion will be communicated in writing to both parties, and the Director of Human Resources and the Provost of the College. A written summary of the basis for the determination will be provided to either party upon request.
4. The Provost of the College will determine what corrective actions and/or disciplinary measures, if any, are warranted. Should the Provost decide that a major sanction such as dismissal or suspension from service for a stated period of time be imposed, he or she may initiate proceedings to impose a severe sanction as governed by the procedures for granting promotion and tenure and non-reappointment. If the Provost decides that the conduct of the faculty member justifies imposition of a minor sanction such as a reprimand, he or she shall notify the faculty member in writing and provide the faculty member with an opportunity to provide evidence that such a sanction is unwarranted or improper. A faculty

member who believes that a major sanction has been incorrectly imposed may petition the special College Grievance Committee in accordance with the procedures for granting promotion and tenure and non-reappointment described in the Faculty Handbook.

Bringing a Complaint Against a Staff Member

1. Contact the staff member’s immediate supervisor or the Director of Human Resources (226-4645).
2. All complaints will be kept confidential in order to protect the individuals involved.
3. Complaints will be handled through the Staff Grievance Procedure.

Bringing a Complaint Against a Student

1. Contact the Vice President for Student Development (226-4722).
2. All complaints will be kept confidential in order to protect the individuals involved. Complaints will be handled by Administrative Action or by the procedures set for social conduct. (The conduct process through which alleged violations of this policy are heard and determined, and then sanctioned if violations are found, is under review and development during the 2014-2015 academic year. Current information will be available on the College’s website or from the Office of Student Development.) Investigations of sexual harassment by students and related hearings will be conducted expeditiously. A paramount consideration in completing the investigation and conducting hearings regarding any alleged incidents of sexual harassment will be the health, availability, and wishes of the alleged victim. When determining if a violation of this policy has occurred, the standard to be used by any conduct authority is whether the preponderance of the evidence indicates that a violation is more likely than not to have occurred, versus a standard of clear and convincing evidence used in many other student conduct proceedings at the College.

**HARASSMENT COMPLAINT MATRIX
(Revised 2008)**

COMPLAINT HARASSER	VICTIM	REVIEWED BY	APPLICABLE POLICY
Faculty	Faculty	Faculty Advisory Committee	Faculty Handbook
	Staff	Faculty Advisory Committee	Faculty Handbook
	Student	Faculty Advisory Committee	Faculty Handbook
Staff	Faculty	Staff Grievance Procedure	Staff Handbook
	Staff	Staff Grievance Procedure	Staff Handbook
	Student	Staff Grievance Procedure	Staff Handbook
Student	Faculty	Student Judicial Process	Student Handbook
	Staff	Student Judicial Process	Student Handbook
	Student	Student Judicial Process	Student Handbook

THREAT OF HARM TO SELF OR TO OTHERS

The College occasionally must respond to students who demonstrate actions or make statements indicating that they may represent a threat to themselves. Such behaviors arise for many reasons, including personal crises, academic stressors, and other challenges which stretch individuals beyond their ability to cope effectively with situations.

When a student behaves in ways or expresses threats towards themselves, the College will strive to respond in a manner that seeks the best interest of the student and their overall welfare, within the context of the College community, by providing direct support and referrals to appropriate resources beyond campus.

Commonly, the College will reach out to parents or other responsible adults in the student's life to inform them of the College's concern and attempt to partner with them in caring for the student, which may include a recommendation that the student seek professional help outside the College. In situations where significant concern exists, the recommendation of the College may also be that the student withdraws until he or she is able to perform successfully in their academic and/or social life at the College. In all cases, the College will seek to collaborate with the student, their family, and the professionals caring for them to ensure it can effectively support the student while enrolled.

If contact with parents or other adults is unsuccessful, the College will continue to support the student as much as possible within its professional staff and resources. If a student becomes an immediate threat to self or is unable to function effectively in caring for themselves, the College will seek to find support for that student beyond campus at medical facilities or through other appropriate professionals in the community. If a student becomes disruptive of the learning environment, in academic, residential, or other settings related to the College, the student may be removed from the institution and the case may be adjudicated through the regular student conduct processes of the College if necessary. In all such matters, the College will seek to collaborate with the student and the professionals caring for him or her to ensure the institution can effectively support the student if he or she is able to remain enrolled.

In addition, the College must occasionally respond to students who demonstrate actions or make statements indicating that they represent a threat to others, either generally to the campus community or towards specific individuals or groups of students. When such incidents arise, the College will respond immediately to ensure the safety of the campus community, which will likely lead to the immediate removal of the student from the College. Students who threaten others will typically have such incidents adjudicated through Administrative Action or the regular student conduct processes of the College. When circumstances indicate that professional care is needed by a student who is threatening others, the College will make reasonable efforts to help the student find support through family members or refer them to appropriate professionals beyond campus. Such support will not prevent the school from pursuing student conduct and other processes intended to ensure the safety of the campus community.

DISCIPLINARY ACTIONS NOTED ON OFFICIAL TRANSCRIPTS

Notation of all disciplinary dismissals will be made in students' official academic transcripts, with no opportunity for removal. No other disciplinary actions or outcomes (e.g., disciplinary suspension or probation) will be noted on students' official academic transcripts.

DISCIPLINARY RECORD RETENTION & EXPUNGEMENT POLICY

Disciplinary records are part of students' educational records, as defined by the Family Educational and Rights to Privacy Act (FERPA). They contain all materials related to the report and determination of a final outcome regarding a violation of any conduct policy. Disciplinary records are maintained and retained in electronic and physical format in Student Development, and are reported to third parties within the guidelines of the College's Right to Privacy Policy.

Upon graduation from Birmingham-Southern College, all of an individual's disciplinary records involving minor social conduct violations (e.g., noise, minor alcohol, use or possession of marijuana) and minor Honor Code infractions (e.g., Class II violations) are immediately expunged, as long as policy violations did not occur during a student's final year in college and repeat offenses did not occur across a student's time at BSC. Disciplinary suspension resulting from multiple minor violations removes the opportunity for immediate expungement of an individual's record. For minor violations that are not immediately expunged due to these noted exceptions, a student may request consideration for early expungement as detailed below.

Disciplinary records for more serious social conduct violations (e.g., hazing, physical assault, intimate partner violence, driving under the influence, possession or use of drugs other than marijuana) and more serious Honor Code infractions (e.g., Class I violations) are maintained for seven (7) years from the last term of enrollment, and then expunged. An individual may request consideration for early expungement as detailed below.

When a violation results in dismissal, regardless of the context and behavior involved in the policy violation, the disciplinary record is maintained permanently in Student Development and is not eligible for expungement.

Requests for Expungement: During a student's final year of enrollment at Birmingham-Southern, upon graduation from Birmingham-Southern or another accredited higher education institution, or at the time the individual would have been anticipated to graduate with their entering student cohort, a current or former student may make a written request to the Vice President for Student Development to have his or her disciplinary record expunged. In considering an expungement request, consideration will be given to:

- the nature and severity of offense(s),
- the frequency of violation(s),
- the timing of violation(s),
- the passage of time since the violation(s),
- the student's behavior during and subsequent to the conduct matter being adjudicated,
- the student's overall contributions to campus life (e.g., involvement, service, leadership positions, etc.)
- and any other factors deemed to be relevant to the expungement decision.

If expungement is granted prior to graduation and a student is involved in a new policy infraction, the expungement will be voided and the College will communicate all violations to any outside entity with whom disciplinary clearance already has been provided.

(Created Spring 2017)

ACADEMICS

ACADEMIC SUSPENSION POLICY

A student who is on academic probation will be suspended for academic reasons if at the end of any term the student fails to satisfy the Provost that he or she is making reasonable progress toward a degree. A student on academic suspension is not permitted to engage in an Exploration term project or to enroll in the College during the regular term or summer term that follows immediately the date of suspension. Courses taken at another institution during academic suspension are not transferable to Birmingham Southern College.

DISCIPLINARY SUSPENSION POLICY

A student on disciplinary suspension is not permitted to engage in an Exploration term project or to enroll in the College during the regular term or summer term that occurs during the time of suspension. As with the Academic Suspension Policy stated above, courses taken at another institution during disciplinary suspension are not transferable to Birmingham-Southern College.

ACADEMIC ENGAGEMENT POLICY

As stated in the Academic Progress section of the College's *Catalog*, "The College reserves the right to require at any time the withdrawal of any student whose conduct or academic standing it regards as undesirable, either for the student's sake or for the College's." Students who do not remain reasonably and responsibly engaged in pursuing their academic course of study may be required to depart the College and will need to seek re-admission before they can continue to attend Birmingham-Southern College.

ACADEMIC ACCOMMODATION

A student may request academic accommodation for a learning disability or challenge by submitting a "Request for Academic Accommodation" form to the Office of Accessibility, along with appropriate documentation from a certified professional in the field of learning disabilities. The Coordinator of Accessibility reviews the materials and passes along relevant information to the student's advisor and each instructor at the beginning of each term. The student is responsible for discussing his or her needs with each instructor at the beginning of each term. Birmingham-Southern will make accommodations, within reason, to aid in a student's academic success, but general education requirements will not be waived.

WITHDRAWAL POLICY

A student who is enrolled during any term may withdraw from the College only with the permission of the Provost. A student who discontinues studies without permission of the Provost will receive an "F" in all courses that term.

In order to obtain permission to withdraw, a student should first consult the Office of the Provost and then complete the withdrawal form and proper check out. If the student must withdraw for medical reasons, his or her request must be supported by a physician's certificate.

GRADE APPEAL POLICY

Birmingham-Southern College supports the academic freedom of faculty members in assigning students a final grade. If a student believes an error has been made in the calculation or recording of a final grade, he or she should immediately alert the professor. Beyond such errors, formal appeals of final grades are granted only when there is **clear and convincing** evidence that the final grade was “arbitrary and capricious, irrational,” or “made in bad faith” [Susan M. V. New York Law School, 556 N.E. 2nd 1104, 1107 (1990), 76 N.Y. 2nd 241, 557 N.Y.S. 2nd 297]. Students should understand that an allegation that a final grade was arbitrary and capricious, irrational or made in bad faith is a *serious* charge and should not be made unadvisedly.

If a student wishes to appeal a final grade, he or she must contact the professor no later than 30 calendar days after the beginning of the next regular term. If this consultation fails to resolve the issue, the student may contact the appropriate department chair, who will then contact the professor concerned. If the complaint remains unsettled, the student may contact the appropriate area chair next. If the matter is still unresolved, the student may file a written appeal with the Provost on a form provided by the Office of Academic Affairs.

After reviewing the appeal, the Provost, at his or her discretion, may deny the appeal or may request that the Faculty Advisory Committee select a three-person committee from the full-time faculty of the College. Two members of this committee must come from the department involved, and the third will come from outside the department. The committee will determine its own procedures and review the case with the following stipulation: the burden of proof for demonstrating a breach of standards rests with the student, and the student must provide documentation of his or her attempts to resolve the issue through previous consultations.

When the review is complete, the committee will notify the Provost of its decision. The Provost will have the final decision in determining whether a change of grade is necessary. The Provost will inform the student in writing of the decision and send copies of this same letter to the committee, the faculty member, the appropriate department chair, and the appropriate area chair. The entire grade appeal process is normally finalized by the end of the next regular term after the term of the grade under appeal.

(Revised February 2016)

FEDERAL REGULATIONS

FEDERAL EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The privacy of student records is protected under the Family Educational Rights and Privacy Act of 1974 (Buckley Amendment). The Dean of Records has the institutional responsibility for interpreting both the Act and the rules and regulations issued by the Department of Education to enforce this Act. Under FERPA, students have the right to see their educational records at any time, and the right to request a change if there is an error in any record. FERPA addresses two types of information: directory information and non-directory information.

Directory information includes the student's name, address, e-mail address, telephone listing, major field of study, dates of attendance, degrees and awards received, most recent previous educational agency or institution attended, participation in officially recognized activities and sports, and a photograph. A student's directory information is usually provided to anyone who requests it, including persons outside the College. A student may withhold his or her directory information by notifying the Dean of Records in writing within ten days of the first day of classes for a particular term. A request to withhold directory information remains in effect as long as the student continues to be enrolled, or until the student files a written request with the Dean of Records to discontinue the withholding. Each student is responsible for keeping the College informed of his or her correct mailing address, both school and home. Any change in address should be updated by the student through the address change function on TheSIS. Parent address change information should be submitted to the Records Office using the change of address form located on the Records Office home page.

Non-directory information includes the student's academic status and other academic information, such as transcripts, midterm assessments, course grades, and class attendance. Students must give permission to allow their academic information to be disclosed to any individual. Faculty and staff with a "need-to-know" (i.e., academic advisors and administrators), however, have access to this information without the student's permission. Students may sign a FERPA Academic Privacy Rights Waiver form, giving a designated individual (usually a parent or guardian) access to their academic information. FERPA also allows academic information to be shared with parents/ guardians who certify their student is claimed as a dependent. The waiver form is available at the Records Office website (<http://www.bsc.edu/records/pdfs/APWaiver.pdf>).

The school discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by Birmingham-Southern College in an administrative, supervisory, academic, research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A school official also may include a volunteer or contractor outside of Birmingham-Southern College who performs an institutional service of function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of personally identifiable information from education records, such as an attorney, auditor, or collection agent or a student volunteering to assist another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for Birmingham-Southern College.

The Academic Records website provides a FERPA tutorial that fully explains the policy (<http://www.bsc.edu/records/ferpa/tutorial.cfm>).

STUDENT COMPLAINTS

COMMUNICATING COMPLAINTS TO THE COLLEGE

Students may at times deem themselves to have been treated by peers inappropriately, or by representatives of the College in a manner that falls outside of appropriate and reasonable standards of fairness, integrity, or appropriate execution of duties, particularly regarding the implementation of College policies, processes, and procedures. When such circumstances occur, students are encouraged to address the matter directly with the individual(s) who gave rise to the concern through personal or electronic contact, when appropriate. Students may wish to consult with the counselors in Counseling & Health Services, other professionals in the Office of Student Development, or faculty advisors for guidance before addressing the issue.

If direct contact is not appropriate or does not lead to a timely resolution of the concern, students are encouraged to seek resolution by contacting appropriate officials of the College. For concerns related to academic issues or academic-related employees of the College, students should contact the Assistant Provost, **Martha Ann Stevenson**, in the Provost's Office in Munger Hall 210. For all other concerns, students should contact the Associate Dean of Students, **Brandon R. Brown**, in the Office of Student Development in the Norton Campus Center, 2nd floor. These officials will meet with students as soon as is reasonably possible, and will assist them in working with other College officials as appropriate or may request students to submit a written statement to initiate a Formal Complaint. Students can also submit a complaint to College officials by completing the online **Student Complaint Form** at <http://www.bsc.edu/campus/studev/>. After receiving the information, these officials will investigate the matter thoroughly.

If the incidents potentially involve violations of College policies, such as behaviors of discrimination, sexual harassment or sexual misconduct, students are encouraged to report the situation to Campus Police, Counseling and Health Services, or Student Development, and to follow the processes outlined in the **Student Handbook**.

Students with complaints against the institution generally, which are not resolved by the College, may wish to contact the primary accrediting body of the College, the Southern Association of Colleges and School (SACSCOC) at (404) 679-4500. Complaint procedures for SACSCOC may be found on the SACSCOC website at <http://www.sacscoc.org/>.

SOCIAL EVENTS

SOCIAL FUNCTION POLICY FOR STUDENT ORGANIZATIONS

Social functions that are advertised or involve the contracting or hiring of entertainment are required to be registered by 5:00 p.m. at least one week prior to the scheduled event. Event Registration is available online through Engage for all student organizations. The responsible student organization must provide a typed guest list to Campus Police at least twenty-four hours prior to the scheduled event. Guest lists must alphabetically list members of the student organization by last name, with the first and last name of corresponding guests (non-College community members) for which each member is responsible.

Student organizations are responsible for adhering to all remaining campus policies associated with hosting a social event on campus. These policies include guest lists, the checking of IDs, and use of wristbands for events where alcohol is available or allowed, and responsible monitors from among the organization's membership. Failure of any student organization to adhere to any policies in this *Student Handbook* will be subject to disciplinary action by Student Development. Greek organizations may also be subject to the disciplinary procedures of their respective oversight organizations at the College and their chartering inter/ national organizations.

GENERAL EVENT & SOCIAL PARTY PROCEDURES

1. Permission to host late evening/night programs and social parties on campus during the academic week (Sunday evening through Thursday evening) that will end after 9:00pm must be requested from and approved by one of the specific departments within Student Development or by the Vice President.
2. All events held during the week must end by 12:00 midnight. Events held on Friday and Saturday must end by 2:00 a.m. unless special permission is granted.
3. All registered student events held on or away from campus are for Birmingham-Southern College students and their guests only. There may be no open parties at any time and there may be no advertisements to the general public or to groups beyond the College community without the permission of Student Development.
4. Birmingham-Southern College students who bring guests to any campus social event are responsible for the actions of their guests, as outlined in the Guest Policy.
5. Identification (Student I.D. and/or Driver's License) will be checked upon entering student activities for any event at which alcohol may be present. Only those of legal drinking age may bring alcoholic beverages into the event. Reasonable limits will be set related to the particular time, location, and other parameters of the event.
6. No glass containers may be taken into any student event.
7. Student organizations are required to provide effective oversight to manage the risks inherent in hosting a social event. Trained responsible monitors who oversee access to the event, providing wristbands and other designated markings for students legally allowed to consume alcohol, and who facilitate safe and healthy behavior of attendees are required unless an exception is granted due to the circumstances of the event. A guest list should be provided more than 24 hours in advance of the event.
8. Student organizations must have at least one Campus Police officer present for social events, and may be required to have additional officers if the circumstances of an event warrant, such as larger size or a more open, public location. Scheduling of events far in advance of the anticipated date help ensure this regulation is followed. Failure to comply with this policy may lead to cancellation of an event by any Student Development or other College official.
 - A. For on-campus events on Fraternity Row, one or more officers will typically be present along Fraternity Row when events are scheduled, providing general oversight and monitoring for the organizations' own monitoring and event management efforts, and otherwise ensuring compliance with the Fraternity Row Party Procedures in this Handbook.
 - B. For other on-campus events, an officer will be generally present in the proximate area of the event, if not an integral part of the security and risk management process, to ensure effective risk management. Determinations will be made prior to such events about the role of the officer where specific responsibilities need to be discussed.
 - C. For off-campus parties within the Birmingham area, the correct procedure for booking an officer is to email the request to Lt. Wes Newman (wnewman@bsc.edu) and Chief Jeff Harris (jharris@bsc.edu). Carbon copied ("cc") on these emailed requests should be Assistant Director of Student Involvement [Stephanie Schroder](mailto:Stephanie.Schroder@snschroe@bsc.edu) (snschroe@bsc.edu). Requests for officers to be present must be made no later than Friday at 5:00 p.m. the week prior to the event. Once the request is processed, a Campus Police official will reply to the person requesting the officer with confirmation of the request having been received and processed.
 - D. For off-campus events beyond Birmingham, the organization must ensure they have contracted to have adequate

security with the venue hosting the activity.

9. All bands contracted to play by student organizations must not play past Midnight on Sunday through Thursday evenings and 2:00 a.m. on Friday and Saturday. Outside band parties are to be held after 2:00 p.m. and must be pre-approved by Student Development.
10. There may be an appropriate charge for rental of campus facilities for student events and parties.
11. The use of fog machines is prohibited in all locations due to the sensitivity of smoke detection devices.
12. The use of sand and sand bags is prohibited in all locations unless being used for an official purpose and provided by the BSC Operations/Landscaping staff.

FRATERNITY ROW PARTY PROCEDURES

- A. Band parties on Fraternity Row must be held on weekends only (Friday and Saturday). In the event that the College is closed on a Monday or Friday due to a holiday, Thursday or Sunday evening band parties must be pre-approved by Student Development.
- B. For all parties which are held on Fraternity Row, the music (whether a band or stereo) shall be over by Midnight on Thursday nights and 2:00 a.m. for Friday and Saturday nights.
- C. For parties using stereo or acoustic music, the volume must be kept at a reasonable level. The use of outdoor speakers must also be kept at a reasonable level. This level will be determined by Campus Police.
- D. The fraternities must ensure the proper placement of the band's loudspeakers. Each fraternity is responsible for knowing the proper placement of a band in its particular house. If the band is not properly placed, it will be shut down until proper placement is achieved.
- E. Noise complaints will be handled as follows:
 1. Upon the first complaint, the responding Campus Police Officer will contact a fraternity officer, and if necessary, request the volume level be lowered to a reasonable level. All this information will be documented to include the fraternity member responsible for the party, time of complaint, details of complaint, and attempted resolution.
 2. The second complaint will be handled in the same manner as the first complaint, pending the cooperation by the fraternity to address the complaint. Campus Police has the authority to confiscate speakers at this point.
 3. Upon the third complaint, the Campus Police Officer will terminate the party and confiscate the speakers. This information will be forwarded to the Assistant Dean of Students for appropriate sanctions as specified in the IFC by-laws.
 4. If any noise complaint is received after Midnight (Sunday thru Thursday) and 2:00 a.m. Friday and Saturday, the stereo or acoustic music will be automatically shut off. Campus Police will verify the identity of the caller in order to ensure the complaint is legitimate.
- F. Only two fraternities may schedule band parties on the same evening. The two fraternities may not be adjacent to one another and must be in full compliance with all sections of this policy. Priority will be given to the two fraternities that schedule their band parties first on the social calendar in the Office of Student Development. An exception to this rule may be made by the Student Development staff on a case by case basis.
- G. Publicity for Greek organization parties must be limited to the College community. While individual invitations may be given by individual members, no group invitation to organizations outside the College may be given without prior approval from Student Development. In addition, any online publicity of events must be limited to students of the College and their individual guests.
- H. The College expects fraternities and sororities to comply with their respective inter/national policies with regard to risk management and social host regulations, as well as all the policies and procedures in this *Student Handbook*. Failure to do so will result in disciplinary action.

STUDENT EVENTS CLEAN-UP REGULATIONS

1. Under normal circumstances, the organization must perform routine clean-up prior to 8:00 a.m. the day following the function.
2. This clean-up will include picking up cups, cans, etc., and putting them in trash bags; removing all posters, signs, balloons, etc., and putting them in trash bags; picking up public areas including restrooms, foyer, lawn area, and parking lots surrounding the area where an event occurred.
3. If clean-up is not performed prior to 8:00 a.m. the day following the event, the organization will be charged extra for the clean-up.
4. A group member must monitor the restrooms throughout the function to assure they are functioning properly. If problems are encountered, they must be reported immediately to the Campus Police in attendance who in turn will report them to Operations. It is the responsibility of the person or persons in charge to prevent any abuse of facilities,

functioning or non-functioning of equipment or facilities, and to report any problem immediately.

5. The same person or persons must check the complete facility before leaving and report any problem to Campus Police.

EVENT CLEAN-UP CHECK LIST

1. Cups, cans, decorations, and all other trash are in bags. Trash bags are secured and placed in a designated place for Operations to pick up. Trash bags are available in the Office of Facilities and Events in Munger.
2. Bathrooms are picked up and in order.
3. Surrounding areas (including main parking lots) are free of cups and cans.
4. Operations will check the facility and surrounding areas and will report any violations to the Director of Facilities and Events.
5. The organization or group may be fined if cleanup is not performed as specified.

DECORATION GUIDELINES FOR ALL COLLEGE FACILITIES

1. All decoration proposals must be submitted in writing to the Director of Facilities and Events for approval and coordination.
2. No posters or other signs may be hung on glass, paint, or doors.
3. Scotch tape may not be used to hang signs.
4. All decorations must be removed at the conclusion of the event.
5. Nothing may be pinned, taped, or otherwise affixed to the curtains in Munger Auditorium.
6. The moving of College furniture must be done by Birmingham-Southern Operations.
7. Decorations may not be affixed to ceilings or light fixtures.
8. Reasonable clean-up efforts are required of any group utilizing Birmingham-Southern College facilities. If no effort is made, the group will be subject to a clean-up charge.
9. The party signing the facility reservation form will be held responsible for adherence to these rules.

PUBLICATIONS AND PUBLICITY

SIGN POSTING POLICY

Whether advertising for an organization or personal reasons, signs should be attached only to bulletin boards and never on doors, glass, or painted surfaces. All signs should be in good taste and cannot make any reference to alcoholic beverages. Campus organizations should make sure that persons who are responsible for posting signs for the organization are fully aware of this policy. Improperly posted signs will be removed and discarded. When signs are removed from paint, it often damages the paint which, in turn, costs the College money to repaint. Tape on glass is hard to remove and it is costly time wise to clean glass which has had signs posted on it. Signs should never be posted on doors as they then become fire and safety hazards — in fact, to do so is in violation of the regulations of the City Fire Marshal.

In addition, students who wish to post signs in any of the residence halls must first obtain permission from the Office of Residence Life. If approved, the student will be asked to provide copies to be placed in the resident advisor mail boxes. The resident advisors will post the approved signage in designated places on each floor in the building.

A \$50 fine will be given to an organization or individual who violates this policy. In addition, any damage done resulting from violations will result in mandatory restitution for the damage.

PROCEDURE FOR OBTAINING PERMISSION FOR USE OF THE COLLEGE NAME

As set forth in Title XIII of the Student Code of Rights and Responsibilities, students must gain the “express authorization of the College” in order to use the Birmingham-Southern College name, logo or anything bearing the identity of the College. This includes, but is not limited to, an event, a sign, clothing apparel, and cups. Before using the Birmingham-Southern identity, students must notify the Associate Dean of Students and gain subsequent approval from the Office of Student Development and Office of Communications. Violations of this policy will result in disciplinary action.

PUBLICATIONS POLICY

It is the policy of Birmingham-Southern College that student publications are an invaluable part of the College experience and must be fostered. Student publications are financed from the Student Activity Fee which all students must pay in order to register for a semester. Since these funds are collected by the College for the general student body, the College and the Budget Committee of the SGA bear legal and financial responsibility for the publications. There is no set limit to the number of publications to be produced each year, but the SGA has final jurisdiction in the matter. Each existing publication will be reviewed annually by the SGA. Despite legal and financial dependence of publications, the College and the SGA must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles of free inquiry and free expression in the academic community. This editorial freedom requires a corollary obligation under the canons of responsible journalism as stated in the bylaws of the Publications Board.

POLITICAL SPEAKER AND LITERATURE DISTRIBUTION POLICY

1. Individuals who are running for political office are allowed to speak on campus once during each election cycle. Separate engagements may be allowed for primaries and general elections. Participation in panels and forums hosted on campus during an election season may be allowed in addition to individual speaking engagements.
2. Speaking events must be sponsored and actively hosted by campus organizations, including the presence of students and an advisor to the organization. Any events involving speakers from off-campus, including political figures, must be approved by Student Development.
3. Facilities for political engagements are limited, and therefore must be approved far in advance through the Facilities office.
4. Press releases about speaking engagements must be approved and distributed through the Office of Communications.
5. A political party or political candidate may not display literature within 25 feet of a voter registration area.
6. Each political candidate or campaign may reserve the atrium area once per election.
7. Each political party can reserve the atrium area once per election. (Note: when only one candidate is being considered in a political party, only one display in the polling booth area is permitted.)

COLLEGE SPEAKER POLICY

The College encourages the invitation of a wide range of speakers representing opposing viewpoints on a variety of issues to speak at Birmingham-Southern College. Although the College aspires to maintain an open speaker policy, the campus community must recognize its responsibility to prevent unreasonable harm to the institution through its speaker programs. However, this responsibility will ultimately rest with the President of the College, whose office should be informed of any anticipated invitations to well-known individuals, politicians, or controversial figures.

Under these guidelines, members of the College community may use the facilities of the College for the purpose of hearing speakers of their choice, provided:

1. The engagement is properly registered on the Campus Calendar five class days before the date the event is to take place.
2. Suitable facilities are available at that time.
3. The event is sponsored by a registered organization of the campus or by a group within the campus community willing to assume formally the responsibilities for the promotion of the event. The meeting should be held in good conduct and in the spirit of fair inquiry. Respect for the rights of all parties to be heard with decorum and courtesy should be maintained.

Disagreement between any elements of the campus community concerning the invitation to or appearance of any speaker on the campus may be referred to the President of the College.

It should be understood that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or by the College. The College cannot protect any speaker from state or federal prosecution for alleged violation of valid laws relating to treason, sedition, obscenity, or slander.

TECHNOLOGY

POLICY ON LEGAL AND ETHICAL USE OF TECHNOLOGY RESOURCES, ELECTRONIC MAIL AND THE INTERNET

Introduction

Birmingham-Southern College recognizes the role of information and technology in the academic community and in the larger society. It is the policy of the College to provide all students, faculty and staff with access to a variety of technology resources and to provide opportunities for all members of the college community to learn to utilize these resources effectively and efficiently. In return, the College expects that technology will be used in legally and ethically appropriate ways, consistent with the mission statement and goals of the College. This document explains and defines policies for use of technology resources of the College.

General Policy Statement

The primary aim of the College in providing information and technology resources is to support the educational, instructional, and administrative endeavors of the students, faculty, and staff of the College. It is the intent of the College that all technology resources will be used in accordance with established policies of the College and with any and all local, state, and federal laws, and/or guidelines governing the use of technology and its component parts. Implicit in this is the expectation that all students, faculty, and staff will utilize the technology resources of the College so as not to waste them, abuse them, or interfere with or cause harm to other individuals, institutions, or companies. As is the case with most community resources or facilities, users are expected to balance their own needs against the needs and expectations of other users.

As an academic community, the faculty, students, and staff of Birmingham-Southern College honor intellectual property, respect the privacy of data, and recognize the rights of others. Individuals who access College computing resources incur the responsibility to use those resources in an ethical manner. This policy (or electronic code of ethics) requires all computing activities performed on College equipment to be legal and ethical. The policy is based on adherence to U.S. copyright laws and respect for intellectual labor and creativity as vital elements of the academic enterprise.

Access to College Technologies

The electronic resources and technologies of the College are intended for the use of students, faculty, and staff of the College. Use of such resources is limited to those members of the College community. Authorized users are assigned user accounts and passwords by the Information Technology staff. Individuals may only use accounts, files, software, and computer resources that are assigned to them under their user accounts. Individual members of the College community are expected to take all reasonable precautions to prevent unauthorized access to files and data and any other unauthorized usage within and outside the College.

It shall be considered a violation of this policy and/or of the BSC Honor Code to:

1. Use someone else's password or log into someone else's account without authorization, except as may be required for management of system resources.
2. Attempt to gain access to computing privileges or resources for which you are not authorized or via means not authorized.
3. Give others access (via password or other means) to computing resources to which they are not entitled.
4. Use a system for unauthorized purposes, such as advertising for a commercial organization or running a business.
5. Read, execute, modify, or delete any file belonging to someone else without explicit permission from the owner, even if the file is unprotected.
6. Damage or destroy software, data files, or hardware physically or by introduction of worms or viruses.
7. Move or install hardware or software without authorization.
8. Create, display or transmit obscene, libelous, or threatening messages or materials on the College's computer equipment.
9. Attempt to crash a system, or exploit weaknesses in security.
10. Make unauthorized copies of software that is copyrighted.
11. Misuse technology resources in any way that materially impacts the efficacy of use for others.
12. Modify technology resources, utilities, and/or configurations, or to change the restrictions associated with

13. their accounts, or attempt to breach any technology resources security system, whether with or without malicious intent.

The appropriate system administrator may remove or alter as necessary user files that threaten to interfere with the operation of the system or as needed for system maintenance. The system administrator should make every effort to notify the user prior to such action to give the user opportunity to remove such files him/herself. It is recognized that there may be special cases where the threat to the efficacy of system resources is so immediate that prior notification is not possible.

Copyright

Software is protected by copyright law unless it has been placed in the public domain. The owner of a copyright holds exclusive right to the reproduction and distribution of the copyrighted work. Duplication of any copyrighted software is prohibited unless specifically allowed for in a license agreement. Unauthorized copying of software is illegal and punishable under federal law.

Respect for the intellectual work and property of others has traditionally been essential to the mission of educational institutions. As members of the academic community, we value the free exchange of ideas. Just as we do not tolerate plagiarism, we do not condone the unauthorized copying of software, including programs, applications, databases and code. Violation of this policy may be referred to the BSC Honor Council or the BSC Social Council.

Only the Vice President for Information Technology may sign license agreements. Questions about site licenses should be directed to that office.

1. Illegal copies of copyrighted software may not be created or used on College equipment, including the LAN.
2. Individuals are expected to report any violations of this policy and/or problems with the security of any technology resources to the Vice President for Information Technology.

Shareware, or “user-supported” software, is copyrighted software that the developer encourages you to copy and distribute to others. This permission is explicitly stated in the documentation or displayed on the computer screen. The developer of shareware generally asks for a small donation or registration fee if you like the software and plan to use it. By registering, you may receive further documentation, updates, and enhancements. You are also supporting future software development.

Public Domain Software is that software that has been dedicated by the authors to the public domain, which means that the software is not subject to any copyright restrictions. It can be copied and shared freely. Before copying or distributing software that is not explicitly in the public domain, check with the Vice President for Information Technology.

The College works with its internet service provider to ensure compliance with all copyright protection laws. When contacted by the service provider regarding failure by students to follow the appropriate laws, the College will utilize its student conduct procedures to sanction students effectively, including the loss of online privileges within the College or service provider’s network for an appropriate length of time.

Electronic Mail

As an academic institution, the College honors the principles of individual privacy. These principles extend to privacy of electronic communication. It is expected that individuals who are given access to College computing resources will be responsible in the ethical use of those resources.

The Computer Usage Policies in the *Faculty*, *Staff* and *Student Handbooks* require all computing activities performed on College equipment to be legal and ethical.

A. General Policies

The following guidelines express the essence of the usage policies for electronic mail. Those who violate any of these policies may be subject to disciplinary action through existing structures for faculty, students, and staff.

It is a violation of the Birmingham-Southern College Computer Usage Policies for Electronic Mail to:

1. Forge a signature on electronic mail without consent.
2. Send abusive or threatening mail to harass an individual. This includes sexual, ethnic, religious, racial, or other harassment. Threats to personal safety will be reported to Campus Security.
3. Send or forward chain letters and/or use the e-mail system for personal advertisements.
4. Deliberately flood a user's mailbox with mail.
5. Send mail that is deliberately designed to interfere with proper mail delivery and access.
6. Attempt to gain access to another person's mail files without his/her consent.

Please refer to Appendix A for E-mail etiquette guidelines.

B. Guidelines for Operators, Postmasters, Systems Administrators

Computer systems automatically forward all undeliverable mail to the designated "postmaster." This is a standard feature of mail systems in order to provide the equivalent of the "dead letter" office. When possible, the postmaster will forward mail (from the dead letter office) to one or both of the involved parties.

It is a violation of the BSC Computer Usage Policies for Electronic Mail to:

1. Access more of the undelivered mail message body than is necessary to perform postmaster responsibilities.
2. Retain, forward, or discuss undelivered mail with others.
3. Include the message body of mail in statistical analysis. As part of system management, certain programs may gather statistics on mail usage. These statistics may include the address of the sender, the recipient, length of the message, and date.
4. Read, forward, or discuss backup mail files. Mail files may be copied as a routine aspect of system backups. This is an automatic process that does not involve any human reading of the files copied. Furthermore, some backups are archived for long-term storage. Such practices are NOT considered a violation of privacy.

Even with proper permission, messages contained within files shall only be read to the extent needed to assist the user involved.

If a system administrator or postmaster of the BSC System, in the performance of normal duties, comes upon messages whose content are clearly illegal, the computer usage policies extend the right and responsibility to report these messages to the appropriate campus committee or to the Campus Police Office. Examples might include messages containing illegally obtained credit card numbers, telephone authorization codes, grade reports, criminal conspiracy, or similar items. Such items might be discovered as part of user consultation, dead-letter processing, or other tasks. Random mail browsing of electronic or voice communications shall always be in violation of the BSC Electronic Mail Computer Usage Policies and is never authorized.

A person's user-name and e-mail address are considered to be directory information that can be given to other individuals. This information can be withheld by contacting the Office of Academic Records. User-names and e-mail addresses will not be distributed for purposes of mass mailing or advertising.

The College will seek to provide a reasonable amount of privacy of electronic mail messages. However, e-mail users should be aware that there is no such thing as a fully confidential e-mail transmission. Sensitive, private messages should not be sent via e-mail. Moreover, violations of the College computer usage policies may jeopardize the guarantee of privacy.

Internet

The College provides access to the Internet for students, faculty, and staff of the College to further its educational goals and to facilitate the instructional and administrative process. Individuals accessing the Internet through the College facilities are expected to do so in a responsible and ethical manner and to conform to all established policies. Inappropriate use includes, but is not limited to: commercial activities; creating, displaying, or transmitting threatening, obscene, or harassing language and/or materials; copyright and licensing violations; violation of personal privacy; and acts in violation of federal or state laws.

Appendix A

E-mail Etiquette Guidelines

1. Distribute e-mail only to those individuals or groups that have known interest in a topic.
2. Limit announcements of College events to one per event; however, one brief reminder may be appropriate.
3. Do not use e-mail for personal advertisements. Such use is inappropriate and should be directed through other communication means, e.g. Monday Morning, or Student Link.
4. Check e-mail daily and delete or store read messages immediately, since they take up disk storage. Mail messages can be downloaded, printed, or saved as disk files.
5. Use descriptive subject headings. This makes it easier for someone to decide whether to read the message.
6. Try to keep messages succinct and to the point.
7. When responding to a message, include in the response a summary of the original message to give some indication of the content of the original message. Summarization may be best done by including appropriate quotes from the original message.
8. Avoid mass mailings to blanket large groups with messages that are of interest to only a few. If you think you have something that needs to reach a large audience, consider the Golden Rule: would you be happy to receive such an unsolicited message?
9. Take care in responding to mass mailings. Consider carefully whether the response is of interest to the entire group or should be sent to an individual. Mass mailings occur when someone accidentally or thoughtlessly uses the "Reply to all" feature.
10. Do not engage in "flaming." "Flaming" describes an incessant ranting and raving manner of writing. Be careful about sending mail or replying to a message when angry or upset. Also, remember that there are people on the receiving end of e-mail messages. When using computers to communicate, it is easy to forget that there are people "out there." Emotions can erupt when consideration is not given for the intended audience.
11. Use upper case sparingly. Many consider capital letters the electronic equivalent of SHOUTING.
12. Be careful what is said about others. Electronic information can be easily retransmitted and information intended to be personal can quickly become public.

III. Residence Life & Housing

PHILOSOPHY

The Office of Residence Life & Housing strives to support the mission of Birmingham-Southern College “to provide a liberal arts education of distinctive quality that challenges students to think independently and communicate clearly, to examine the arts and sciences aesthetically and critically, and to be committed to intellectual and social responsibility.” The College has a clear academic goal and has designed its academic structure to meet that goal; but the College recognizes that learning is a process that also takes place outside the strictly academic realm. The College therefore recognizes its responsibility to its students to promote an overall experience that will enable its graduates to realize the goals of the College. In promoting this experience, the College seeks to provide a healthy community environment for its students.

The College also recognizes its historical ties to the United Methodist Church in designing the structure of its community. In its Book of Discipline, The United Methodist Church makes a statement concerning the “Nurturing Community” which serves as a cornerstone of the College policy:

“The community provides the potential for nurturing human beings into the fullness of their humanity. We believe we have a responsibility to innovate, sponsor, and evaluate new forms of community that will encourage development of the fullest potential in individuals. Primary for us is the gospel understanding that all persons are important— because they are human beings and not because they have merited significance. We therefore support social climates in which human communities are maintained and strengthened for the sake of every man, woman, and child.”

Many of the traditions at Birmingham-Southern College are rooted in this desire to provide students with a nurturing community. The Honor Code is one such tradition. The Honor Code is a concept which has existed at Southern for several decades. Its purpose is to foster an atmosphere in which an individual’s integrity, sense of responsibility, and ability to engage in creative, independent scholarship can be nurtured. Within the College community, a student can claim only as much independence as that for which he or she can demonstrate his or her ability to assume responsibility.

Recognizing this fundamental need to assume responsibility for oneself, the College attempts to provide an “Environment of Responsible Choice” for its students. The College places with the student the burden of personal integrity and personal responsibility. This can be done only if there can be created a nurturing community in which choices can be made and evaluated and in which personal development can therefore occur.

It is with this basic philosophy in mind that the College sees the campus life experience as a part of the total educational experience. When the student chooses to live on campus, he or she enters into an agreement with the College. The student agrees to abide by both the letter and the spirit of College regulations and traditions. In return, the College agrees to provide the student with a community environment that will be optimally conducive to his or her educational experience.

The relationship between the College and the student, however, goes beyond the legal concept of a contractual agreement. The aim of the College is not to demand blind obedience of its regulations, but rather to demonstrate to the students the purpose of its regulations and that they exist for the common good. The College seeks to allow the student to make his or her own decisions. The College acts as a point of reference for this decision-making and as a source of counsel. When the student chooses wisely within the sphere of his or her community environment, the College seeks to give support to such choices; when choices are unwise, the College seeks to guide the student into different choices; and when a student is indecisive, the College wants to offer the warm moral support that builds responsible choice.

It is within this context that the College builds its housing and social policies — policies that allow the student freedom of choice within the framework of reasonable community constraints; policies that allow the student, within the bounds of a nurturing community, to mature into a thoughtful person.

RESIDENT STUDENT RESPONSIBILITIES

Residential students living in College housing are responsible for knowing and understanding the contents of the Housing Agreement and all policies contained in the Student Handbook. Students are liable for and should insure themselves against personal loss or damage. Additionally, residential students are responsible for the care and cleaning of their residential space, care of common areas, maintenance of health and safety standards, payment for excess wear or damage to College property, or the content of any communication distributed or posted in residential buildings.

RESIDENCE LIFE POLICY VIOLATIONS

Students must adhere to the policies regarding on-campus housing as set forth in this section of the Student Handbook. It is the duty of the College to maintain a suitable living environment in the residence halls, Hilltop Village Apartments, and Greek Houses. The Residence Life policies have been established to create and maintain an atmosphere that is safe, considerate, and conducive to the pursuit of academic excellence. The Director of Residence Life, or his or her designee will address all violations of Residence Life policies within the residence halls, along with other individuals in the Office of Student Development when appropriate. In each case, the Student Development official responding to the violation may either offer a solution to the person(s) involved with the violation or refer the incident to the Honor and/or Social Councils. In incidents involving violations of Residence Life policies, students may appeal any decision made by the Director of Residence Life or other Student Development Official to the Vice President for Student Development. Any appeals regarding decisions about violations of Student Conduct policies are addressed through the Social Conduct Council.

QUIET HOURS

Quiet hours are to be observed in all of the on-campus housing areas and on the residence hall quadrangle between the hours of 8 P.M. and 8 A.M. During exam period the campus observes 24-hour quiet hours from 8 P.M. on the last day of classes until the end of the final exam period. Quiet hour violations are defined as any excessive noise that disturbs residents in a living area.

ACTS OF INCONSIDERATION

Acts of inconsideration are (a) Excessive noise by either host or guest in a living area. (b) Abuse of the right to privacy of a roommate or suite-mate (c) Behaving in an unruly manner while either as a guest or as a host in a living area including excessive noise and/or damage to the living area of the inhabitants. The resident in question may be subject to disciplinary action or referral to the Social Conduct Council.

GUEST POLICY IN RESIDENCE HALLS

Guests

Guests may be entertained in residential spaces, understanding the host is responsible for his or her guest(s). The host is responsible for informing his or her guest(s) of the policies and regulations, and will be responsible for any fines incurred by a guest. All Birmingham-Southern College students are responsible for knowing the College's residence hall regulations.

Parties

Only small gatherings that are wholly contained within the room of the host(s) are permitted. The noise level may not be disturbing to neighboring resident students. The host(s) assumes the responsibility for the conduct of guests, but all individuals present may be held responsible if a violation of College Policy occurs.

Cohabitation

Cohabitation occurs when an individual resides in a residential space for which they are not assigned. Cohabitation is prohibited and the resident in question may be subject to disciplinary action. Excessive visitation, defined as more than three consecutive nights, resulting in the disruption of a living area or an infringement on the privacy of a roommate is also prohibited. Continuous violations of this policy may result in removal from college housing.

ROOM USAGE

It is the responsibility of the resident to keep their room reasonably clean and safe from hazards. Health and Safety Inspections occur monthly throughout the year by Residence Life staff. If a student does not keep their residence clean and/or free from hazards, residential violations may range from a fine to removal from the residence halls.

Restriction of Use of Rooms:

1. Use of bed lofts, ramps, cinder blocks, and other such structures that elevate furniture are strictly forbidden. Store bought bed risers are allowed. Risers must not exceed six inches.
2. These premises may not be used as sales rooms or for the storage of merchandise.
3. Students may not keep pets of any description inside or outside of a residence hall room. The only exception is small fish housed in an aquarium that does not exceed 10 gallons. Possession of pets in the residence halls will result in a \$250 fine levied against both the violator and the roommate.
4. Room occupancy other than by those persons assigned to that space is prohibited.
5. Gambling is prohibited in all residential spaces.
6. Refrigerators no larger than 4.6 cubic feet are permitted in the rooms but must either be plugged directly into an electrical outlet, or, if an extension cord is used, the extension cord must be a UL approved power strip.
7. In any case where an extension cord is used, the cord must be plugged into a UL approved power strip.
8. College furniture in a residential room may not be removed from the room or dismantled. Any outside furniture brought into the residential space is subject to approval by the Office of Residence Life.
9. Mattresses are provided for all residential spaces. No outside mattresses are permitted in any residential spaces.
10. The common rooms and the laundry room in each residence hall are the only areas where ironing is allowed.
11. T.V. and stereo sets are permitted in the residence halls. If usage of such is deemed disruptive or unsafe by Residence Life Staff, residents will be instructed to remove the item(s).
 - a. Any set used in a common area of the building must be installed with the approval of the Director of Residence Life.
 - b. Any set installed in a student's room must be with the agreement of the roommate.
 - c. All sets must be in good working order and free from hazardous defects.
12. Soliciting and peddling are prohibited in residential spaces except with the written permission of the Director of Residence Life.
13. Ceiling fans are not allowed.
14. The ledges beneath the windows of Margaret Daniel, Cullen Daniel and New Men's Residence Halls are for emergency use only. They are not for use as a passage between rooms, a sundeck, a window garden, bar-b-que area, or for any other purpose.
15. Screens are placed on all windows of the residence halls. Removal of these screens for any reason will result in a \$25 fine.
16. Each student is responsible for the general condition of the premises assigned to him or her, including damages, defacement, and general order. Charges for damages or defacement will be assessed to the occupants in addition to a monetary fine at the discretion of the Director of Residence Life. Charges for damages to defacement of any area in common use, such as bathroom, lounges, recreation room, or corridor may be assessed equally to the residents of the area.
17. Weapons are not allowed on campus (see Weapons Policy).
18. Sand is not allowed inside any residence halls, apartments, or anywhere in Greek houses.

Decoration Policy

1. Alterations, additions, "improvements", or changes to the residential space or common areas within a residential area, including the exterior of a building are prohibited.
2. Changing, replacing, or altering appliances, shower or sink heads, faucets, or any other College owned property is prohibited.
3. No items, materials, or pictures which are visible from outside the window of the residential space may be hung or displayed in common spaces, over or covering windows, or obscuring or blocking exits (i.e. doors and windows).
4. Use of nails, screws, double sided sticky tape, or any method of affixing materials to the wall that will permanently alter the wall are forbidden.

5. Painting a residential space or common area is prohibited.
6. A student may not have in plain view distasteful, offensive, or pornographic pictures or posters in residential spaces.
7. Defacing College or private property including but not limited to installing ceiling fans, rewiring lights, adding locks to doors or windows, or altering wiring is prohibited.
8. Temporary decorations for federally recognized holidays are permitted, but must be removed promptly.
 - a. Christmas Trees or “live cut” trees are not permitted
 - b. All electronic decorations and lights should be turned off and unplugged overnight.
 - c. Power cords cannot run between doors and door frames or under rugs or carpeting.
9. The Director of Residence Life shall have the final authority as to what material may be used in decorations, should questions arise.

Fire Prevention:

No occupant or visitors will be permitted to collect and/or assemble any amount of material which would constitute a fire hazard anywhere in the residence hall area.

1. There shall be no open flames or open fires of any type permitted in the residence hall area.
2. Incense and candles are not permitted.
3. Any person who starts an open fire or flame, creates a fire hazard of any kind by collecting explosive or highly flammable material in his or her room, or tampers with any fire safety equipment will be subject to a \$75.00 fine, in addition to any maintenance cost, and will be subject to expulsion from the residence halls as well as further sanctions from the College.
4. Fireworks of any type are strictly forbidden anywhere on campus. Use of or possession of any type of fireworks will result in a \$75.00 fine and/or expulsion from the residence halls.
5. Fog machines are not permitted in residence halls or anywhere in Greek houses.
6. Smoking must be at least fifty feet from any residence hall.
7. Cooking is not permitted in the residence hall rooms; cooking may only be done in the designated area provided. Unauthorized appliances may be confiscated by a residence life staff member, including toasters, ovens, hot plates, indoor grills and oil-based popcorn poppers. George Foreman type grills and Air Fryers are permitted in the Hilltop Village Apartments.

ROOM SEARCHES

- A. Room searches by civil authorities may be conducted in accordance with local, state, or federal law.
- B. Room searches by College authorities may be conducted under the following circumstances:
 1. A college official, actually observing or hearing what he or she reasonably believes to be a violation of the Housing Agreement, the policies of The College, the Social Code, or of civil law, may seek authorization for a search.
 2. Campus Police may conduct a search of an individual, personal effects, or residential area, including any residence hall room or apartment with verbal authorization from another Campus Official. Searches can be authorized by any member of the Residence Life professional staff (i.e. Director, Assistant Director, Coordinator), the Assistant Dean of Students, the Associate Dean of Students, the Vice President for Student Development, any Student Development staff serving in the duty rotation, the Vice President for Administration, the Provost of the College, or the President of the College.
 3. Search authorization should be documented in writing, identifying the reason for the search, the officer conducting the search, the staff member who provided authorization, and the areas to be searched.
 4. If the occupants of the room are not present following a reasonable effort to make contact, the room may be entered by mean of pass key by Campus Police.
 5. A College official shall be held free from any liability for invasion of privacy, when, as a person of reasonable and prudent caution, and in cases of imminent danger, he or she may enter residence quarters for purposes of protecting the welfare of the College or the safety of its students and property.
 6. The occupant(s) of the room may remain present in the room during the search procedure unless, as determined by the issuing authority, the student hinders the efforts of the College official(s) conducting the search.

NOTE: Searches of automobiles will follow the same procedures.

RESIDENTIAL FINES

The College reserves the right to fine students for non-compliance with the Housing Agreement and campus policies. Below is an example listing of possible fines. This list is intended to be a guide for the Housing Staff in assessing fines for violation of the Housing Agreement. It does not preclude the right of the institution to give greater or lesser fines for violations or for violations not listed when it is deemed appropriate. Additionally, this list is not all inclusive and additional fines will be determined at the discretion of the Director of Residence Life.

<i>Fine</i>	<i>Violation</i>
\$5.00	Per item for cafeteria items found in room
\$25.00	Missing a mandatory Hall meeting
\$25.00	Quiet Hour Violation
\$25.00	Removing window screen
\$25.00	Possession or use of prohibited appliances/items as described in Handbook (confiscation on first offense)
\$25.00	Possession of lounge furniture in an individual room
\$25.00	Installing outside antennae
\$25.00	Throwing objects from residential window
\$25.00	Use of nails, screws, double sided tape, or other method of permanently altering a wall
\$30.00	Trash left outside of apartments
\$50.00	Improper Room Change
\$50.00	Possession of candles, incense, or flammable liquids
\$50.00	Littering
\$50.00	Violation of Sign Posting Policy
\$50.00	Installing a ceiling fan (fan will be confiscated on first offense)
\$50.00	Smoking within fifty feet of a residence hall
\$50.00	Smoking in room/residence hall
\$50.00	Failure to cooperate with Housing Staff
\$75.00	Vertical blind replacement
\$75.00	Tampering with or setting off a fire alarm
\$75.00	Possessing or discharging fireworks
\$75.00	Damage to College Property plus replacement costs
\$75.00	Refusing to cooperate during a fire drill or mandatory evacuation
\$75.00	Failure to cooperate with Housing Staff during tornado drill or warning
\$75.00	Discharging a fire extinguisher, plus cost of recharging the extinguisher
\$75.00	Being on a window ledge, roof, or other restricted area
\$75.00	Possession of firearms, knives, projectile devices (i.e., balloon launchers, pellet guns, cross bows, etc.), explosive materials plus confiscation
\$100.00	Painting a residence hall room or apartment
\$100.00	Replace lost key for any residential room
\$250.00	Animal/pet in or outside of a residence hall
\$500.00	Tampering with or setting off sprinkler system (plus cost of damages)
Cost + Labor	Replacement or repair of appliances due to neglect (Hilltop Village Apartments)

The Offices of Residence Life and Student Development reserve the right to charge students appropriate fines for other violations not listed above. Any student has the right to appeal a fine through the Associate Dean of Students.

TERMS AND CONDITIONS

Cancellation Policy: If cancellation of a residential room reservation is necessary before the start of an academic year, the student must inform Residence Life by the deadlines set by that office. Students will incur no financial penalty for canceling a room reservation prior to the first set deadline. Failure to cancel a residential room reservation between the first and final deadline will result in a \$500 penalty. Failure to cancel a room reservation by the final deadline will result in the student's account being charged the full room rate for the fall term.

Late Check-In: Through the first five days after the term begins, a student who checks into the residence hall late will be charged for the full term. If it is necessary to check in after the first five days, and approval is secured from the Director of Residence Life, room rent will be prorated. Advance notice must be given to the Office of Residence Life in cases of late registration to insure that the assigned room will be reserved.

Room Deposit: All resident students are required to submit a \$100.00 room deposit before residence hall space will be assigned. Each resident must have a full \$100.00 deposit at the beginning of each term. A request for refund of the housing deposit when leaving the residence hall permanently must be made with a mailing address listed. The room deposit request must be made within six months of the check-out date. Any student who moves without proper notification and authorization of proper housing officials, or fails to follow proper check in/check-out procedures will forfeit the room deposit. All fines or damage charges will be placed on the student's account in the Student Account's Office.

Refunds: Total rental charges for rooms in College accommodations are not refundable except for withdrawal from College Housing within the first five days of each term. After four weeks in residence the entire room rent must be paid. The exception is a medical or military withdrawal. In those cases, room rental charges will be prorated from the date of withdrawal.

Releases: Entering into a lease agreement with an outside leaser does not release the student from the financial obligation of his or her Housing Agreement. A student who moves from the residence hall into an apartment without proper authorization from the Director of Residence Life can be charged room rent in full in the same manner as any other resident student.

Permission to live off-campus can be requested from the Director of Residence Life. To request permission to live off-campus while still under 21 years of age, or before one's senior year, the student must submit a letter of request from the student and a letter of request from the student's parents or guardians. Marriage does not release the student from the financial obligation of his or her Housing Agreement. Release for serious matters such as medical or military reasons may be considered by the Director of Residence Life.

Fraternity/Sorority House Releases: Fraternity/sorority members may sign up to live in fraternity/ sorority houses at the time of the scheduled Housing Assignment process without consideration of full occupancy of the residence halls.

Termination of the Housing Contract: The College reserves the right to terminate the Housing Agreement for violation of the Terms and Conditions of the Contract listed herein, or of The College's Policies and Procedures, or of the Student Code of Rights and Responsibilities, or of civil law, or for health or social reasons, or, when in the judgment of The College, such termination is deemed necessary.

GENERAL PROCEDURES

Keys

All room keys are the property of the College. A student may not have duplicate keys or lend keys to persons who are not BSC students. Lost keys must be immediately reported. A \$60.00 charge will be assessed for each lost key for all residential keys. In addition, excessive lockouts will receive appropriate action to ensure students become responsible for their keys. No more than three lockouts are allowed throughout one semester without the implementation of penalties, including fines.

Check-In Procedure

At the beginning of the academic year, students will be required to sign a room inventory form that notes the condition of their rooms/apartments before receiving a key. All students are required to complete the published check-in procedures, including signing a Housing Agreement for that academic year.

Holiday Closing

The residence halls close during the December and Spring Breaks. During these times students are required to check-out of their residential space, but may leave all belongings in place during the holiday closing period. The correct check-out procedures are sent to all students via their BSC email accounts. Failure to follow check-out procedures may result in residence hall fines.

Mid-Year Check-Out

Any student who vacates his/her residential space during the regular course of the academic year must report to the Office of Residence Life to obtain a Permission to Check-Out Form. This form must be completed fully to avoid an improper room change charge of \$50.00.

End of Year Check-Out

Each year during the Spring term, specific instructions and check-out methods for the end of year checkout are sent to all residential students via their BSC email accounts. Students are responsible for vacating their residential space by the date

specified in the academic calendar. Students are also responsible for leaving their rooms or apartments in the same condition as they were found, including cleaning the space prior to departure. Failure to follow the procedures published by the Office of Residence Life will result in residential fines being placed on the student's account with the Office of Student Accounts.

Break Housing

Break housing may be, but is not required to be provided for qualified students during official school breaks. If offered, students qualifying for break-housing include:

1. Students from a foreign country.
2. Students whose homes are outside the Southeastern U.S. and who are unable to go home.
3. Students not from the Birmingham area who have a job that requires that they be here during this time. (A letter from the employer of the student and the student stating dates the student will be working must be received by the Office of Residence Life.)
4. Athletes who have games scheduled during this time.

When the College is able to offer break housing, an electronic link to the Break Housing Application will be sent to the BSC email accounts of all residential students several weeks before the break housing period begins. A separate application must be made for each break housing period. Each student approved for break housing will be charged a flat fee to remain on campus during the break housing period. The College is not required to provide break housing at any point during the academic year, including summer terms and will only do so when space can be accommodated. The Director of Residence Life reserves the right to remove any student from break housing who violates any Residence Life policy, Housing Agreement, or policy in the Code of Student Conduct during the break housing period. A refund of the break housing fee will not be issued to students removed for disciplinary reasons.

Upperclass Room Assignments

Preference when making assignments usually given according to class and grade point average. However, upperclassmen who do not have a roommate for the upcoming year may lose their preference status or may be assigned a roommate or may be reassigned to a different room or residence hall by the Office of Residence Life.

Room Change

The Room Change Period occurs within the first six weeks of each term and will be announced by the Office of Residence Life. During this time, any resident wishing to change rooms may request to do so. The process is dependent upon space availability and is handled on a first come, first served basis within class ranks (e.g. seniors first, juniors second, etc.). No one may change rooms without going through the official room change process.

During the room change period, a resident will obtain the proper paperwork from the Office of Residence Life which will allow him/her to change rooms. Failure to follow the proper room change procedures will result in a \$50.00 improper room change fine.

Consolidation Process

The consolidation process is a time of matching up residents who are currently without roommates. During this time period, students are responsible for finding their own roommates. The Office of Residence Life provides a list of possible roommates for the residents and will assist in the process if a request is made. All students who are without roommates must consolidate or pay for a private room.

If a student does not choose a roommate by the end of the consolidation period, he/she will automatically be billed for a private room. When a decision is made concerning a roommate choice, the student must notify the Office of Residence Life. At that time the student will receive a Room Change Authorization Form. Room changes cannot be made without this form.

Change of Rate of Occupancy

If, two weeks after the start of term, a single student is occupying a double occupancy space without a roommate, he or she will automatically be charged a private room rate for the term. This amount is 50% more than the semiprivate rate in the residence halls. A student wishing to avoid this charge must inform the Director of Residence Life that he or she wants reassignment.

Changes in the Terms and Conditions

Changes may be recommended by the occupants in any residence hall or section thereof, resident staff, or both, so long as such changes are not contradictory to established College policy, have the approval of the Director of Residence Life, and are published so that due notice is provided. When approved by the Director of Residence Life, they will

be considered College policy.

The College reserves the right to make other rules as it deems necessary for the protection and for the safety, health, comfort, and convenience of all residents without prior notification to residents. Residents are responsible for reviewing and understanding all policies and procedures.

GENERAL PROVISIONS

The College reserves the right to:

1. Change assignment or rate;
2. Enter a student's room to perform routine inspections, repairs, or housekeeping during reasonable hours or at any time in the event of emergency;
3. Confiscate items which are a violation of the Housing Agreement, the policies and procedures of the College, the Student Code of Rights and Responsibilities, or civil law, that are in plain view in a student's room, when that room has been entered as specified in the following section titled Room Search Policy;
4. A student may be charged and/or fined for violations of the above mentioned agreement, policies and procedures, Code or civil law, when that violation has been determined within the guidelines of the Room Search Policy;
5. Conduct investigations of rooms not involved in routine inspection at any time with a warrant for entry issued by an official of the College and served in compliance with the Room Search Policy;
6. Allow a College official to enter or follow a student into his or her room if the official actually observes or hears what he or she reasonably believes to be a violation of the Code or civil law or of this Agreement;
7. Conduct fire drills in residential spaces during the course of the year. The College reserves the right to conduct a fire drill at any hour it deems necessary. Any student who refuses to cooperate with Residence Life Staff in the course of a fire drill will be subject to the proceedings of the Social Council as deemed appropriate by the Office of Residence Life. Any student who refuses to leave a residential space during the course of a fire drill may be subject to expulsion from College housing.

IV. STUDENT CODE OF RIGHTS AND RESPONSIBILITIES OF BIRMINGHAM-SOUTHERN COLLEGE

Title I — Short Title

- 1.1. This shall be known as the “Student Code of Rights and Responsibilities of Birmingham-Southern College.”

Title II — Bill of Rights

- 2.1. The following enumeration of rights shall not be construed to deny or disparage other rights not in conflict with this Code of Rights and retained by students in their capacity as members of The College Community or as citizens of the State or of the United States. This Code shall not be construed in any manner which might run counter to a reasonable construction of the Charter and Bylaws of The College and the direction of the Board of Trustees, nor of the constitution and Bylaws of the Faculty, nor of the Constitution of the Student Body; nor shall it be construed, interpreted, or applied in any manner which would seem detrimental to the privileges, purposes, aims, and goals of Birmingham-Southern College as a private institution of higher learning.
 - 2.1.1. Federal and state constitutional guarantees of free inquiry, freedom of expression, free assembly, and the right to privacy are specifically stated as guarantees on this campus.
 - 2.1.2. Students are free to pursue their educational goals and to have appropriate opportunities for learning in the classroom and on the campus as shall be provided by The College.
 - 2.1.3. No disciplinary sanctions may be imposed upon any student without notice to the respondent of the nature and cause of the charges, and the opportunity given to the student to be heard.

Title III — Definitions

- 3.1. When used in this Code of Rights,
 - 3.1.1. The term “College” means Birmingham-Southern College, and, collectively, those responsible for its control and operation.
 - 3.1.2. The term “student” includes all persons who are properly enrolled in courses in The College on a full- time or part-time basis in a regular or special curriculum who have been properly admitted to The College after a “bona fide” application and have been admitted to The College by the Office of Admissions as well as those who attend educational institutions other than BSC, but whose courses take place on the BSC campus, as well as those who are not officially enrolled for a particular term, but who have a continuing relationship with The College. Furthermore, anyone living in College residence halls will be considered a student in the areas of Social Conduct and subject to the authority of the Honor and Social Councils.
 - 3.1.3. The term “instructor” means any person employed by The College to conduct classroom activities. In certain instances, a person may be both “student” and “instructor.” Determination of his or her status in a given situation will be made based on the surrounding facts.
 - 3.1.4. The term “organization” means a number of persons who have registered with The College as set forth in Title VII of this Code.
 - 3.1.5. The term “Student Press” means either an organization whose primary purpose is to publish and distribute any student oriented publication on campus or a regular publication of a student organization.
 - 3.1.6. The term “components of The College” means the five elements of The College Community – trustees, administration, faculty, students, and alumni.
 - 3.1.7. The term “shall” is used in the imperative sense.
 - 3.1.8. The term “may” is used in the permissive sense.
 - 3.1.9. All other terms have their natural meaning unless the context requires otherwise.

Title IV — Access to Higher Education

- 4.1. Within the limits of its facilities, The College shall be open to all applicants who are qualified according to the admission requirements which may be adopted and established from time to time.
 - 4.1.1. The College shall inform students of the characteristics and levels of achievement of students which it considers desirable in its program.
 - 4.1.2. An applicant may not be denied admission solely because of race, color, or national origin, gender, sexual orientation, disability, or age.

Title V — Classroom Expression

- 5.1. Discussion and expression of all views relevant to the subject matter is permitted in the classroom subject only to the responsibility of the instructor to maintain order and a climate conducive to learning, within the stated goals and purposes of The College.
 - 5.1.1. Students are responsible for learning the content of any course for which they are enrolled.
 - 5.1.2. Requirements of participation in classroom discussion and submission of written exercises are not inconsistent with this section.
- 5.2. Academic evaluation of student performances shall not be based on prejudicial or capricious ground.
- 5.3. Information concerning views of individual students, their beliefs, and political associations, acquired by professors in the course of their work as instructors, advisors, and counselors shall be considered matters of privacy and shall not be disclosed to unauthorized persons.

Title VI — Campus Expression

- 6.1. Discussion and expression not inconsistent with the laws of the State and the United States are permitted within the institution. Support of any cause by orderly means not disruptive to the operation of The College is permitted.
- 6.2. The College encourages expression of informative and differing viewpoints on issues and will support the presence on the campus of responsible persons representing various views. While The College aspires to maintain an open-speaker policy, the campus community must recognize its responsibility to prevent unreasonable harm to the institution through its speaker programs. This responsibility ultimately rests with the President of The College.
 - 6.2.1. Under these guidelines, members of The College Community may use the facilities of The College at reasonable hours for the purpose of hearing speakers of their choice, provided:
 - 6.2.1.A. The engagement is properly registered on the Master Calendar of The College ordinarily at least five class days before the date of the engagement.
 - 6.2.1.B. Suitable facilities are available at that time.
 - 6.2.1.C. The event is sponsored by a registered organization of the campus or by a group within the campus community which shall assume formally the responsibilities for the promotion of the event and for the good conduct of the meeting in the spirit of The College policy on fair inquiry and respect for the rights of all parties to be heard with decorum and courtesy.
 - 6.2.1.D. The College shall not be liable for any expense connected with such event except as agreed to in advance.
 - 6.2.2. It should be understood that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed either by the sponsoring group or by The College. The College cannot protect any speaker from state or federal prosecution for alleged violation of civil or criminal laws.

Title VII — Campus Organizations

- 7.1. Organizations and groups may be established within The College for any lawful purpose. Affiliation with an extramural organization shall not, in itself, qualify or disqualify The College branch or chapter from institutional privileges.
- 7.2. A group shall become an organization when registered with The College. No group may be so registered or continue to be registered if its purposes or programs are in conflict with the policies and procedures of The College, this Code of Rights, or of the laws of the State or of the United States.
 - 7.2.1. All groups that meet the following requirements shall be registered:
 - 7.2.1.A. A list of officers and copies of the constitution and bylaws of the group shall be submitted to the Assistant Dean of Students. All changes and amendments shall be submitted within one week after they become effective.
 - 7.2.1.B. Where there is affiliation with an extramural organization, that organization's constitution and bylaws shall be filed with the appropriate College official or body, and all amendments thereto shall be submitted within a reasonable time after they become effective.
 - 7.2.1.C. All sources of support funds shall be disclosed.
- 7.3. Membership in all College-related organizations, within the limits of their facilities, shall be open to any member of The College Community without regard to race, color, national origin, gender, sexual orientation, disability, or age, who subscribes to the stated aims and meets the stated obligations as enumerated in the constitution and bylaws of said organization.
- 7.4. Membership lists are confidential and solely for the use of the organization, except that names and addresses of officers shall be required as one of the conditions of eligibility for registration as an organization.
- 7.5. College facilities, if reasonably available, may be used by registered organizations, in accordance with all

campus policies and procedures, for regular business meetings, for social programs, and for programs open to the public.

- 7.6. The authority to allocate institutional funds derived from student fees for use by student organizations shall be delegated to the Student Government Association.
- 7.6.1. Student organizations seeking college funding may appeal to the SGA for approval.
- 7.6.2. Student organizations seeking college funding must comply with the following stipulations:
 - 7.6.2.A. The requesting organization must be registered.
 - 7.6.2.B. The requesting organization's purpose must not be in conflict with the Mission Statement of The College.
 - 7.6.2.C. The requesting organization's purpose must not be legislative or include lobbying activities.
 - 7.6.2.D. The event/purpose for the request must be open for all students who are interested in attending.
- 7.6.3. After eligibility is established, student organizations seeking college funding must submit a request for funds and budget to the SGA. A hearing must be scheduled by the SGA within fourteen days of the receipt of said request to hear the appeal for the funds.

Title VIII — Publications

- 8.1. A student, group, or organization may distribute written material on campus without prior approval provided that its origin is denoted and that such distribution is not inconsistent with the laws of the State or of the United States and does not disrupt the operation of The College.
- 8.2. The student press is to be free of censorship. The editors and managers shall not be arbitrarily suspended because of student, faculty, administration, alumni, or community disapproval of editorial policy or content. This editorial freedom requires a corollary obligation under the canons of responsible journalism, as stated in the bylaws of the Publications Board.

Title IX — Institutional Government

- 9.1. All constituents of the institutional community are free, individually and collectively, to express their views on issues of institutional policy and on matters of interest to the student body. Clearly defined means shall be provided for student expression on all institutional policies affecting academic and student affairs. Available mediums for such expressions shall include the standing committees of The College and the Student Legislature and its committees.
- 9.2. The role of the government and its responsibilities shall be made explicit. The principal definition of this role shall be found in the Constitution of the Student Body and in the Bylaws of the Student Government Association.
- 9.3. Students have a primary concern in the establishment of social policies and regulations and rules of conduct for student affairs. Students shall have the privilege of participation in the establishment and enforcing of social regulations to representation on Committees of The College dealing with student affairs.
- 9.4. Students shall be represented on selected standing and special committees of The College affecting student life in academic and curricular affairs, and in matters related to admissions and student discipline.

Title X — Protest

- 10.1. The right of peaceful protest is granted within the institutional community under the constitutional guarantees of the First Amendment to the United States Constitution, subject to the paramount rights of The College, the safety and rights of individuals, the protection of property, and the continuity of the educational process.

Title XI — Privacy

- 11.1. Students, as other citizens, have rights of privacy which extend to living quarters in residence halls, fraternity/sorority houses, and on-campus student apartments.
- 11.2. Search of student rooms by civil authorities may be conducted in accordance with local, state, or federal law.
- 11.3. Search of student rooms must adhere to the search procedures outlined in this handbook.
- 11.4. In order to proceed with the outlined procedures, a college official must be presented with that evidence, or set of circumstances, that would cause a person of reasonable prudence to believe that the search of a residence hall or any other campus facility will disclose the actual or intended violation of the Policies and Procedures of The College, the Student Code of Rights and Responsibilities or civil law, or the instruments or products of such a violation.

Title XII — Records

- 12.1. The privacy of all student records shall be recognized insofar as files may only be maintained by college staff who are employed for that purpose.
- 12.2. Administrative staff and faculty should respect confidential information about students which they acquire in the

course of their work.

- 12.3. Access to their own records and files is guaranteed every student subject to reasonable regulation as to time, place, safety of record, and supervision. BSC complies with the provisions of the Family Educational Rights and Privacy Act of 1974.
- 12.4. A student reserves the right to withhold information concerning campus memberships, political views, social views, or any other associations not directly related to the educational process.
- 12.5. A student's address, telephone number, e-mail address and photo identification may be released for general publication in an institutionally recognized directory. Students reserve the right to withhold directory information annually by notifying the Dean of Records and Research in writing. Such a request will remain in effect as long as that student is enrolled or until further notification by the student.
- 12.6. Upon graduation or withdrawal from the institution, the student is assured that his or her records and files shall continue to be handled under the provisions of the Code and that which is outlined in The College catalog.

Title XIII — Use of The College Name

- 13.1. No individual, group, or organization may use The College name without the express authorization of The College except to identify the institutional affiliation. The use of such name does not imply support or approval by The College, and College approval or disapproval of any policy may not be stated or implied by an individual group or organization except after obtaining written consent from an administrative official of The College.

Title XIV — Amendments of the Code

- 14.1. An amendment to the Code of Rights and Responsibilities shall originate in the Student Legislature and must be approved by two-thirds of the voting members.
- 14.2. Any proposed amendment to this document shall be examined by the Honor Council and the President of The College. Upon approval by both, the amendment shall become effective.

V. The Constitution of the Student Body of Birmingham-Southern

COLLEGE PREAMBLE

The responsibility for the governance of Birmingham-Southern College is originally vested in a Board of Trustees appointed by the North Alabama West-Florida Conferences of the United Methodist Church. Without relinquishing its major responsibility and ultimate rights of decision, the Board of Trustees does, in fact, delegate its authority in the daily life of The College to a President appointed by the board. Without relinquishing this responsibility and authority to safeguard the security and welfare of The College, the President, in turn, delegates portions of this authority appropriately to certain administrative offices appointed by the President, and through a Code of Student Rights and Responsibilities, to a Student Body as it is selected for admission and self-organized as a component of this structure of delegations of authority.

To this structure of an academic democracy it is recognized that all of the authorities of any one component of The College derive from the Board of Trustees. In order that the students of The College may participate creatively and effectively and with full protection in the complex academic structure, we do ordain and establish this Constitution of the Student Body of Birmingham-Southern College as the official instrument of our specified authorities and responsibilities.

Article I

NAME

The official organization of the Student Body of Birmingham-Southern College shall be named the Student Government Association.

Article II

MEMBERSHIP

The membership of the Student Government Association shall consist of all regular students of Birmingham-Southern College, as determined by the Offices of Admission and Records.

Article III

THE STUDENT LEGISLATURE

Section 1 — Composition

The Student Legislature shall be the governing unit of the Student Government Association and shall consist of the following:

1. Four Officers—President, Vice President, Secretary and Treasurer
2. Two Representatives from the Senior Class
3. Two Representatives from the Junior Class
4. Two Representatives from the Sophomore Class
5. Three Representatives from the Freshman Class
6. One Representative from each occupied Residence Hall, excluding Freshmen Halls
7. Two Commuter Representatives
8. Two Representative from The College's Student Apartments
9. One Representative from the Fraternity Housing
10. One Representative from the Sorority Townhouses

Section 2 — Special Representatives

If a population of students provides evidence that their interests are not represented in the current body, a special representative may be appointed, by two-thirds vote of the current voting members, to sit on the student legislature for the remainder of the current body's term. This representative will have all powers of a normal representative position for the duration of their term, and shall be the unanimously chosen representative of the petitioning student population.

Section 3 — Qualifications of Officers and Representatives

- A. The President of the Student Government Association shall be a student in either the Junior or Senior Class at the time of election or by the beginning of the next academic year.
- B. All officers shall have maintained an overall grade point average of 2.5 at Birmingham-Southern. Each shall be chosen by a vote of the entire Student Body.
- C. All representatives to the Student Legislature, except the three representatives from the Freshman Class, shall have maintained an overall grade point average of 2.25 at Birmingham-Southern College.

- D. No member of the Honor Council shall be eligible to serve concurrently in any position on the Student Legislature.
- E. The Treasurer of the Student Government Association must be either a rising Sophomore, Junior, or Senior at the time of election.
- F. The President and Treasurer of the Student Government Association must have previously served on the Student Government Association for at least one term at time of election. This must be verified by the Elections Board of the Student Government Association with the assistance of Student Development.

Section 4 — Constituency

- A. Residence hall representatives shall be elected at large by all students residing in The College's residence halls. Residents of the individual buildings will elect a representative for the building in which they reside. Residence hall representatives shall reside in The College residence halls, as stipulated above, for the full term of office.
- B. Each commuter representative shall be a commuter and shall be elected by all students who do not reside on The College campus.
- C. The representative from the Student Apartments shall reside in the Student Apartments and shall be elected by all students residing in such housing.
- D. The representative from the social fraternity/sorority housing shall reside in the housing provided for the social fraternities/sororities, and shall be elected by all students residing in such housing.
- E. No representative shall represent more than one constituency of the Student Legislature. Any representative of the Student Legislature who, for any reason, ceases to be a member of the constituency he or she represents shall forfeit his or her position on the Student Legislature.

Section 5 — Duties of the Officers of the Student Government Association

- A. The President of the Student Government Association.
 - 1. The President of the Student Government Association shall be the official representative of the Student Body and shall be the acknowledged head of the Student Body in all student affairs and student relations with the faculty and administration of The College
 - 2. The President shall call all special meetings of the Student Legislature. The President shall preside over the meetings, but shall have no vote unless the Student Legislature is equally divided.
 - 3. The President shall be a member of the Elections Board
- B. The Vice President of the Student Government Association.
 - 1. The Vice President shall assume all duties of the President in the absence of the President. In the case of a vacancy in the office of the President, the Vice President shall assume the presidency until a new President is elected. The Vice President shall be responsible for all duties assigned by the President or Advisor.
- C. The Secretary of the Student Government Association.
 - 1. The Secretary shall be responsible for notifying the Student Legislature of all meetings of the Student Legislature, maintaining minutes of all meetings of the Student Legislature and filing all reports presented to the Student Legislature.
- D. The Treasurer of the Student Government Association.
 - 1. The Treasurer shall handle and, in weekly reports, account for all funds under the control of the Student Legislature
 - 2. The Treasurer shall obtain financial reports from all organizations receiving allotments from the Student Legislature and present them along with the Treasurer's report to the Student Legislature at the close of each academic term. The Treasurer shall notify the organizations of the date the financial reports are due at least two weeks in advance and shall withhold allocations until satisfactory reports for the previous term have been received.
 - 3. The Treasurer shall submit a budget request for the Student Legislature each year at the time that all departmental requests are submitted. All budget requests from organizations funded by the Student Government Association shall be submitted by the Treasurer.

Section 6 — Duties of the Student Legislature

- A. The Student Legislature shall uphold the Code of Student Rights and Responsibilities and the Constitution of the Student Body.
- B. The Student Legislature shall establish, by a two-thirds vote, a set of bylaws not inconsistent with the Code of Student Rights and Responsibilities or the Constitution of the Student Body.
- C. The Student Legislature shall establish, through its bylaws, all committees and boards which it deems necessary, and authorize all such committees and boards to establish bylaws.
- D. The Student Legislature shall act upon the recommendations of the Elections Board and all other committees and boards established in the bylaws of the Student Legislature.
- E. The Student Legislature shall allocate and appropriate the Student Activity Fee and allocate funds, as it deems necessary, for any committees and boards established in its bylaws.
- F. The Student Legislature shall elect the members of the Honor Council for the following year. This election shall be held

during the spring term prior to elections.

- G. The Student Legislature shall establish and abolish any lesser judicial bodies, as deemed necessary by the Honor Council.
- H. The Student Legislature shall remove from office by a two-thirds vote any officer of the Student Government Association, any representatives to the Student Legislature, or any member of the Honor Council who fails to fulfill the responsibilities of his or her office.

Section 7 — The Advisor(s) to the Student Legislature

The Advisor(s) to the Student Legislature shall be the Vice President of Student Development and/or a designee of faculty or staff as deemed necessary. The Advisor(s) shall counsel the Student Legislature in its deliberations and shall hold all privileges of debate, but shall not vote.

Section 8 — Tenure of Office

The officers of the Student Government Association and representatives to the Student Legislature shall assume office following the Office of Residence Life housing selection process during the Spring term and shall remain in office one year.

Section 9 — Meeting Time

The meeting time of the Student Government Association shall be determined by a majority vote of the Executive Officers immediately following election. The Executive Officers may amend the meeting time once set, if deemed necessary by a majority vote of the Executive Officers. Meetings shall occur on Wednesday evenings.

Article IV

ELECTIONS

Section 1 — General Elections

- A. A general election shall be held during the spring term, at which time all officers of the Student Government Association and representatives to the Student Legislature, except the representatives from the Freshman Class, shall be elected by the Student Body. The election of officers shall be held not less than one week nor more than two weeks prior to the election of the representatives to the Student Legislature.
- B. The dates of the elections of officers of the Student Government Association, representatives to the Student Legislature, and any other elected positions shall be determined by the Elections Board in accordance with the provision of this Constitution.
- C. A candidate may enter the atrium once on voting day to vote and may only remain there for as long as is necessary to cast his/her vote.

Section 2 — Election of Representatives from the Freshman Class

An election to elect the representatives to the Student Legislature from the Freshman Class shall be held during the fall term.

Section 3 — Procedure for Filling Vacancies on the Student Legislature

Any officer of the Student Government Association or representative to the Student Legislature whose term of office is terminated for any reason before the end of the fall term shall be replaced within three weeks of the termination in an election by his or her constituency. If the vacancy is created during the Exploration term or during the spring term prior to the general election, the officer or representative shall be replaced in an election by the Student Legislature.

Article V

THE ELECTIONS BOARD

Section 1 — Composition

The Elections Board shall consist of the following:

1. The Chair of the Elections Board
2. The President of SGA
3. The Vice President for Student Development or Student Development representative
4. The President of the Honor Council or a member of the Honor Council appointed by the Chair.

Section 2 — The Chair of the Elections Board

The Chair of the Elections Board shall be appointed each year by the President of the Student Government Association and shall be presented to the Student Legislature for final approval.

Section 3 — Duties of the Elections Board

- A. The Elections Board shall establish, by a two-thirds vote, a set of bylaws not inconsistent with the Code of Student Rights and Responsibilities, this Constitution, or the bylaws of the Student Legislature.
- B. The Elections Board shall be responsible for the election of all Student Government Association officers and representatives to the Student Legislature. The Elections Board shall appoint the Honor Council as polling clerks in the event of a paper ballot election. The Chair of the Elections Board or an Honor Council member appointed by the Chair shall be present at the counting of the ballots in each election and will ratify the results.
- C. The Elections Board shall be responsible for the election of all additional posts established in the Constitution of the Student Body or the bylaws of the Student Legislature.
- D. The Elections Board shall collect the names of all candidates for the elections of Student Government Association officers, Student Legislature representatives, and additional posts and publicly present these names to the appropriate constituency prior to the election.
- E. The Elections Board shall be responsible for all elections of class officers. The election procedure in any election for class officers shall be determined by the Elections Board.

Article VI

PETITION, REFERENDUM, AND RECALL

Section 1 — Procedure for Petitioning the Student Legislature

- A. The petition for a referendum other than those for the election of class officers or for a constitutional amendment shall require the signatures of twenty percent of the Student Body or any segment thereof to which the referendum would be administered exclusively. Petitions for referendum must allow at least two weeks for preparation of the referendum. Any petition for referendum which meets the above requirements shall be binding on the Student Legislature.
- B. Any student petitions to the Student Legislature other than petitions calling for a referendum shall not be binding on the Student Legislature, but shall be presented in a regular meeting of the Student Legislature and shall be entered along with the pursuant discussion in the minutes of that meeting.

Section 2 — Procedure of Recalling an Officer of the Student Government Association or Representative to the Student Legislature.

- A. An officer of the Student Government Association may be removed by a three-fourths vote of those voting in a recall referendum of the representative's constituency.
- B. A representative to the Student Legislature may be removed from office by a three-fourths majority of those voting in a recall referendum of the representative's constituency.

Article VII

AMENDMENTS

- A. If one-fifth of the Student Body petitions the Student Legislature to call a general election for a vote upon an amendment to the Constitution of the Student Body, the election shall be held within two weeks of the date of the submission of the petition for amendment. This procedure shall be known as a referendum, and no approval of the Student Legislature shall be necessary.
- B. An amendment to the Constitution of the Student Body originating in the Student Legislature must pass that body by a two-thirds vote. Having passed the Student Legislature, the amendment shall be published at least one week before the vote of the Student Body is taken.
- C. All amendments to the Constitution of the Student Body must be passed by a two-thirds majority of the Students voting on the proposal.
- D. Amendments approved by the Student Body shall be submitted to the President of The College for final approval. At his or her discretion the President may refer the approval of an amendment to the Board of Trustees of The College.
- E. Changes in the language of the Constitution of the Student Body for the purpose of clarifying but not changing its meaning or intention may be made by a two-thirds vote of the Student Legislature without the approval of the Student Body or the President of The College.

Article VIII

RATIFICATION

This Constitution shall become effective immediately upon approval of the Student Legislature by a two-thirds majority and the Student Body by a two-thirds majority of those voting, and upon approval of the Board of Trustees of The College.

ELECTIONS BOARD BYLAWS OF THE STUDENT GOVERNMENT ASSOCIATION

I. THE ELECTIONS BOARD AND MEETINGS

- A. The members of the Elections Board are the following:
 1. The Chair of the Elections Board (Appointed by the SGA President, and approved by the Legislature).
 2. The President of the SGA.
 3. Vice President for Student Development or Student Development Representative
 4. The President of the Honor Council or a member of the Honor Council appointed by The Chair.
- B. The Chairperson of the Elections Board shall preside over all meetings of the Board.
- C. All meetings of the Elections Board shall be conducted according to Robert's Rules of Order, Revised.
- D. Quorum shall consist of a simple majority.
- E. Any charges that shall call a special session of the Elections Board must be lodged no later than two (2) weeks after the election in question. A special session of the Elections Board may be called by any candidate who has suspicions of illegality in an election or arbitrary enforcement of campaigning. A charge must be made to the Chairperson of the Elections Board requesting that a meeting of the Elections Board be called. A meeting will then be called at the earliest possible time and the candidate will be able to state his/her case. Should it be necessary for the Elections Board Chairperson to present a counterargument, he/she will relinquish the presiding powers of the Board to the SGA President. The decisions of the Elections Board on the legality of an election are final, pending appeal to the Honor Council.
- F. In the event of resignation or removal of an Elections Board Chairperson, a formal announcement of resignation or removal shall be made to the SGA Student Legislature by the SGA President. A new Elections Board Chairperson may then be appointed by the President, pending approval of the Legislature, on either a permanent or temporary basis (with the prospect of a permanent chairperson to be appointed).
- G. The Elections Board Chairperson shall remain neutral in all aspects in giving support to candidates running for office. The Elections Board Chairperson, in consultation with the Student Development Representative, shall decide all questions of procedure and interpretation arising under the constitution or election bylaws. A decision of the Chairperson may be overruled by a majority (3 members) of the Elections Board. If the Elections Board Chairperson is determined not to be neutral during an election, the Chairperson may be removed from the Board by a majority vote of a special meeting of the Elections Board with the SGA President calling the meeting.
- H. Any member of the Elections Board who wishes to actively assist a candidate during an election shall remove himself/herself from the Elections Board. The member's replacement shall be chosen by the Elections Board Chairperson from the member's associated group, pending approval from the Elections Board.
- I. Any member of the Elections Board who does not remove himself/herself from the Board when a candidate was assisted by the Board member in campaigning, will be asked to appear before the Board because of questionable actions during an election. That member can be removed from the Board by a majority vote of the Board.

II. ELECTIONS

- A. Sign-up, Forums and Elections shall be as specified:
 1. The dates and times of any election sign-ups, election, and campaign period shall be announced to the student body via email no less than one week prior to the day of the election. The hours of voting on election day shall be 10:00 a.m. – 5:00 p.m. unless otherwise specified by the Elections Board in consultation with the Student Development representative and the student body is notified of such change.
 2. Candidates wishing to run for office must sign their intent on a form and include contact information. This form shall be located in the front area of the Office of Student Development, or at an appropriate location determined by the EB in consultation with the Student Development Representative and the student body is notified of such change.
 3. The Candidates for SGA offices and Freshmen Representatives may hold a forum in order to acquaint the student body and the freshman class, respectively, with those running. The time and place of these forums shall be determined and supervised by the Elections Board.
 4. Candidates for SGA officers and representatives shall be currently enrolled and must meet a minimum academic standard: 2.5 GPA for candidates running for SGA officer positions and 2.25 for candidates running for representative positions.
 5. Unopposed Candidates: In the event that any candidate is signed-up unopposed, the Elections Board Chairperson will post this fact prominently to the student body. No election will be held unless a write-in candidate informs the Elections Board Chairperson of his/her intention to run.
 6. Write-in Candidates: Any student wishing to run as a write-in candidate must meet the same requirements and follow the same rules as the other candidates. This person must submit in writing his/her intention to run as a

write-in candidate within 24 hours of notification to the student body of unopposed position(s), to the Elections Board Chairperson.

- B. Each candidate is bound by the Birmingham-Southern College Honor Code. Any misleading information given by the candidate or a candidate's representative whether it is about the candidate running or another candidate running in the election will be considered a violation of the Honor Code.
- C. Ballots shall instruct the voter to number the candidates preferentially, with one as top choice, two as second choice, etc. for at least as many candidates as there are positions to be filled.
- D. The votes shall be tabulated as follows:
 - 1. The first choice of each ballot is credited as one vote to the appropriate candidate in the first round. If any candidate receives a simple majority of the number of ballots cast, he/she is automatically declared the winner. Elimination continues only if more than one position is to be filled. If no candidate receives a majority, the candidates obtaining the least number of votes is eliminated.
 - 2. Each ballot casting a first round vote for the candidate eliminated in the first round constitutes one vote in the second round. The next choice on the ballot is credited, and the second round votes are added to the first round votes. The candidate having the least number of total votes is eliminated. Elimination rounds continue until the positions filled by the candidates remaining equals the number of positions to be filled.
 - 3. In the case of a tie in any round of elimination, each ballot is rated in order to break the tie. A first preference vote candidate receives a one, a second preference candidate a 2, etc. Then the rating votes are eliminated.
 - 4. If one of the ballots has no further preferences in an elimination round, the ballot is disallowed and the number of votes tallied in computing the majority is reduced by one.
 - 5. For further reference in preferential voting, see: Jones, O. Garfield, *Parliamentary Procedure at a Glance*, New Edition. New York: Hawthorne Books, 1971, pp. XXXIVXXXVII.
 - 6. The names of the winning candidates in each election shall be emailed to the campus community the day following the results.
 - 7. The number of votes in each round received by all candidates in a race will be given to the candidates in that race upon their request. Candidates may pick up the results after 1:00 p.m. on the day after the voting.
 - 8. If all processes of preferential voting are exhausted and a tie remains, the tie can be broken if campaign violations have occurred. The candidate with the fewer violations will be declared the winner. If none of the candidates in the tie have violations or have an equal number of violations and a true tie remains, another election will be held the following week with voting to occur one week after the initial election. All campaign rules apply to the new election and only the candidates in the tie may run.

III. CAMPAIGNING and MATERIALS

- A. A candidate wishing to run for office must attend the mandatory Pre-Election Rules meeting. This meeting shall take place at 5:30 p.m. on the Wednesday before elections, or a time to be determined by the Elections Board and announced to all candidates by the Elections Board Chairperson. In the event a candidate is not available to attend the mandatory meeting, he or she may send a representative in their place. The Elections Board Chairperson must be notified in writing by the candidate who will represent him/her at the meeting by 4:00 p.m. the day of the meeting. A representative may not represent more than one candidate.
- B. All candidates for office must submit a Campaign Form at a time determined by the Elections Board Chairperson. This form shall include a picture, brief biographical questions about the candidate and platform points on why he/she is running for office. These forms will be organized and distributed to the student body as "Election News."
- C. The total costs of all campaign materials and activities are not to exceed the following amounts:
 - 1. President \$100.00
 - 2. Vice President \$75.00
 - 3. Secretary \$75.00
 - 4. Treasurer \$75.00
 - 5. All other members of the Legislature, etc. \$50.00An itemized budget of the total amount spent must be submitted by e-mail by each candidate to the Elections Board Chairperson by 4:00 p.m. on Wednesday, the day before the elections, or a time determined by the Election Board Chairperson and communicated at the Pre-Election Rules meeting. The budget amount is to include items paid for by the candidate and items donated to the campaign. An e-mail must be submitted even if no expenses are incurred. A candidate will be penalized for failure to comply with this. Candidates must provide receipts if anything is questioned.
- D. Campaign Materials are any materials (buttons, pens, t-shirts, food items, etc.) that encourage support for a candidate running for office. No posters, banners, yard signs or handbills are allowed to be hung, distributed, or displayed in any building or space on campus, unless otherwise approved by Student Development and the

Elections Board. (For example, the Elections Board Chairperson facilitates the printing of biographical posters or flyers of all candidates to be displayed in the Norton Atrium, Residence Halls or other prominent area.)

Campaign materials may not be placed on the campus grass by stakes or A-frames, on the campus fence, on bulletin boards, fastened to trees, put on bushes, etc.

- E. Candidates are each limited to a maximum of ½ page of advertising in the school newspaper.
- F. Campaigning on Facebook, Twitter, Instagram, or similar social networks is allowed. However, all campaigning by the candidates and their constituents must be in good taste. No other forms of mass communicating are allowed by the Candidate and/or constituents to the student body, such as campus email, mass text messaging, including GroupMe or similar means.
- G. Any materials or activities not mentioned above are subject to the approval of the Elections Board.
- H. The Norton Atrium will be neutral for the entirety of the elections. No candidate may display posters there (unless the Elections Board chooses to display information on all candidates), nor may a candidate campaign, distribute, or place campaign materials in the atrium. The only exception to this is the “Election News.” On Election Day, a candidate may only enter the Atrium once, and that is in order to vote, and may only be in that area for the amount of time that is required to vote.
- I. No campaigning is to take place prior to the beginning of the term in which the election takes place. After spring term begins, any activities associated with elections and prior to signups must be approved by the Elections Board Chairperson.
- J. Campaign materials may be utilized at a time determined by the Elections Board. All candidates will be notified of the timeline at the Pre-Election Rules meeting and must end by 5:00 p.m. the day of election.
- K. All candidates must campaign independently. There is to be no joint campaigning during the election process.
- L. It is the responsibility of the candidate (either signed or write-in) to remove all campaign materials. It is not the responsibility of the Elections Board Chairperson to remove such materials or call the candidate to remove such materials. The Chairperson will note campaign materials as defined above.
- M. Write-in candidates are subject to the same rules and campaign procedures which apply to signed official candidates. A write-in candidate is subject to the same qualifications as a signed official candidate.
- N. Penalties for infractions of the rules are enforced using a point system and are as follows:
 - 1. If a candidate or his/her representative does not attend the pre-election meeting, a penalty of 25 points will be assessed and be disqualified immediately.
 - 2. Any candidate displaying campaign materials in the Atrium is disqualified from the election.
 - 3. Any campaign materials, including posters, banners, flyers, signs, or anything not allowed or found to violate Section III D. above will be removed, and any candidate placing item(s) in these areas will be subject to a penalty of no less than 5 points, *per occurrence*, from the EB and will be responsible for any damages done to the surface(s).
 - 4. If the candidate fails to submit an itemized e-mailed budget by the deadline indicated in the Pre-Election Rules meeting, a penalty of 15 points will be assessed. Should the candidate fail to submit an itemized-mailed budget by the time votes are being counted, an additional 5-point penalty will be assessed. If all the budgets have not been submitted by the time votes have been counted, the EB may choose not to announce the election results until the matter has been resolved.
 - 5. If a candidate enters Norton Atrium more than once on Election Day during active voting hours, that candidate shall be assessed a 25-point penalty and be disqualified immediately.
 - 6. If a candidate does not turn in a Campaign Form, a penalty of 15 points will be assessed.
 - 7. If a candidate is found in violation of the mass messaging rule stated in Section III F., a penalty of 5 points *per occurrence* will be assessed.
 - 8. If a candidate is found to be campaigning before the allowed time, or has not cleaned up his/her materials by the deadline, a penalty of 10 points will be assessed.
 - 9. If a candidate is found to be actively campaigning jointly with another candidate, both candidates will be assessed a penalty of 10 points.
 - 10. Any penalties for other infractions of the election rules will be determined at the discretion of the Elections Board.
 - 11. Any candidate with a point penalty total of 25 or more will be disqualified entirely.

IV. AMENDMENTS

The Bylaws may be amended by a two-thirds vote of the Student Government Association.

VI. General Regulations

BOOKSTORE

BSC BOOKSTORE REFUND POLICY

Unless you drop the course, textbooks must be returned by the next business day from date of purchase. Receipt required.*

Textbooks may be returned within the second week of classes with a receipt and proof that the class, for which the books were purchased, has been dropped. (Bring a current copy of your TheSIS class schedule and student ID).

NO RECEIPT = NO REFUND

If the textbook was purchased new and has not been damaged or written in, the Bookstore will refund the full purchase price. If the textbook has been damaged or written in, the Bookstore will refund half the purchase price. It is up to the Bookstore personnel to determine the condition of returned textbooks. Shrink-wrapped material must be unopened to be considered new.

Course packets are only refundable by dropping the class within the first two weeks of class and must be in original shrink-wrap. You must also present a copy of your TheSIS class schedule showing that you have dropped the class in order to receive a refund on a course packet.

Refunds will be given in the same manner as purchased with the exception of a check.

If you have trouble with a textbook bought from us (bad binding, missing pages, etc.), bring the book back immediately and we will repair or replace it. We will not exchange or refund it at the end of the term. We will decrease the buyback price on a damaged book to cover necessary repairs (or not buy it at all).

*Exploration term and summer term books may be returned within 5 days from the first official day of class if the course is dropped. Otherwise, books must be returned by the next business day.

BOOK BUYBACK (How to Sell Your books to the Bookstore)

Where

By the front entrance of the bookstore.

When

December and May. Check with the Bookstore for specific dates and times.

How

The bookstore will buy your textbook for half the purchased price if the following conditions are met:

- You must present your BSC student ID to sell your books.
- Your professor has ordered the book for the *next* term prior to buyback.
- The bookstore is not overstocked (there are enough copies for the next class).
- The book is in usable condition. Books with missing pages, missing covers, water damaged pages, and/or loose sections cannot be bought back.
- If you bought a package (textbook bundled with supplementary material) *all* parts of the package must be included when selling it back.

The bookstore does not purchase course packets, study guides, work books or lab manuals.

If the Bookstore cannot buy your book

The bookstore has a national used book vendor to conduct each buy back. They may need your book if we are overstocked or it's a current edition and if it is not being used again. They will not pay you half price as the Bookstore would, but you have the option of keeping your book or trying to sell it at the next buy back. (Some courses are only offered once a year or every two years and the professor may or may not order the textbook again. By holding your book there is the chance it could go into a new edition.)

Please remember the purpose of buy back is to save you money by providing used books for the next term, not to buy books that are no longer used.

VEHICLES ON CAMPUS

PARKING

The College has one main entrance which is known as the Bruno Entrance and is open 24 hours a day. Anyone entering the campus must check in with the officer to register his/her vehicle. Campus Police may request that all passengers in a vehicle register as guests. Campus Police also may contact the BSC student to confirm the visitors as their guests. If you are a student, you must register your car and display the proper decal. Cars with decals will be waved through the entrance. It is important for you to have your car registered and to display the proper decal. Please contact Campus Police if you need assistance removing decals from prior years. All students register their cars during academic registration; however, if you need to register your car any other time, you may do so by going to the cashier's window on the first floor of the Student Services building. Parking decals are \$80.00. After you have registered your car, you must affix the parking decal permanently in the lower left hand corner of your windshield.

PARKING AREAS:

1. Legal parking spaces are defined by brackets. All other areas are not intended for parking.
2. Students may park only in bracketed parking places with white/unpainted curbs.
3. Students may park in green spaces after 5:00 p.m. as long as they move their vehicle before 7:00 a.m.
4. No students, faculty or staff may park in the United Methodist Lot except when directed by campus police.
5. The parking lot immediately behind the Admission Welcome Center is reserved 24/7 for campus visitors and is not available for general parking even on weekends.
6. No one may park in loading zones except to load and unload possessions from their vehicles. This is a ten- minute zone at all times.
7. At no time will you be permitted to park in tow away zones designated by either a striped area or a chain.
8. Faculty and Staff may park in either green or white/unpainted spaces.
9. Guests of students may park in designated white/unpainted spaces. Guests may also use green spaces from 5:00 p.m. until 7:00 a.m. NOTICE: Students will be responsible for fines issued to their guests.
10. Parking zones are as follows: White/Unpainted/Designated Parking Spaces – Student Green – Faculty/Staff
Red – Reserved Blue - Disabled

PARKING/DRIVING FINES:

30 Improper Parking	\$ 35.00
31 Parking/Driving on Grass*	\$ 35.00
32 Parking/Driving on Sidewalks*	\$ 35.00
33 Handicapped	\$ 100.00
34 Methodist Lot	\$ 50.00
35 House Director/Head Resident	\$ 50.00
36 Non-Designated Parking Areas	\$ 50.00 plus towing
37 Faculty/Staff Zone	\$ 35.00
38 Loading Zone**	\$ 35.00 plus towing
39 Visitor Space	\$ 50.00
40 Reserved Space	\$ 50.00
41 No Decal	\$ 75.00 (unless purchased within 1 week)
42 Expired Decal	\$ 75.00
43 Moving Violation	\$ 75.00
44 Reckless Driving	\$ 100.00
45 DUI	\$ 250.00 minimum***
46 Motorcycle Helmet Violation	\$ 20.00

* Plus Cost of Damage and Repairs

** Ten Minute Maximum Time Limit

*** Plus Loss of On-Campus Driving Privileges

Should a student receive more than 14 tickets in the same academic year, subsequent tickets will double in amount. If a student receives 20 or more tickets in the same academic year, that student will lose their driving privileges for an amount of time decided upon by the Associate Dean of Students. Further, the student may be referred to the Social Council for review. DUI violations will result in a fine and loss of driving privileges for an unspecified amount of time. Additional sanctions may be applied as well.

TICKET APPEAL POLICY

Students may appeal a parking/traffic ticket by completing the online form available on at the BSC Campus Police webpage: www.bsc.edu/administration/police/appeal.htm. The completed form will automatically be filed for review by the Parking/Traffic Appeals committee. Appeals must be filed within ten class days from the date of the citation.

TRUCK PASSENGER POLICY

The Campus Police discourages passengers from riding in the beds of pick-up trucks. However, if necessity dictates that individuals must ride in this manner, all passengers must be seated flatly on the lower surface of the bed. Riding on the sides of the truck bed, or on the external area of any vehicle is strictly prohibited.

DINING SERVICES

Meal Plans - All students who reside in on-campus housing, including residence halls, apartments, and Greek houses are required to participate in the college's dining program. The meal plans provided vary depending on a student's residential location. All students classified as commuters are required to have a commuter meal plan consisting of declining balance dollars that can be used in any on-campus dining location. Descriptions of all plans and requirements may be found by visiting <http://www.bsc.edu/administration/finance/bursars.html> or by calling the Bursar's Office.

Students who have a medical condition that requires a special diet or services from Dining Services, or who have religious requirements may request a meal plan modification. These requests will be reviewed by the Office of Accessibility and meal plan modifications may be granted for students with documented disabilities, chronic medical conditions, or religious dietary observances. Details of meal plan modification guidelines may be obtained by visiting <http://www.bsc.edu/campus/accomodations/meals.html>.

