

LYNCHBURG COLLEGE HONOR and STUDENT CONDUCT CODES and REGULATIONS

Philosophy

Lynchburg College expects every member of the campus community to share in its historic commitment to academic honesty, personal integrity, and behavioral maturity. As an educational institution, the College is concerned with both the formal, in-class education of its students and their growth into mature men and women who conduct themselves as responsible citizens.

The uniqueness of the academic community requires particular sensitivity to both the individual rights of students and the rights of the College community. Rules and regulations are imperative as a basis for the orderly conduct of College activities and for maintaining an environment conducive to study, recreation, and personal growth. Regulations are intended to create sound living and learning conditions for all members of the campus community.

The College's standards of student conduct address three major areas of integrity. The Honor Code includes both academic integrity and personal integrity. The Student Conduct Code addresses respect for the rights of both the College and the people within the community. These standards of conduct are intended to encourage honesty in academic achievement as well as personal growth and development. The College is committed to an academic environment consistent with these standards, promulgating the following desired values and attitudes:

1. Personal integrity rooted in respect for truth and love of learning;
2. The capacity to make discriminating judgments among competing opinions;
3. The courage to express one's convictions and to recognize the rights of others to hold and express differing views;
4. Self-esteem rooted in the quest for achievement of one's potential;
5. A sense of discipline and pride in one's work and respect for the achievements of others;
6. A commitment to academic freedom as a safeguard essential to the purpose of the College and to the welfare of those who work within it;
7. A sense of duty to self, family, and the larger community;
8. Respect for the rights of all persons;
9. A sense of and commitment to justice, rectitude, and fair play;
10. Civility, including congenial relations between men and women;
11. Understanding, sympathy, concern, and compassion for others;
12. An understanding of and appreciation for other cultures and traditions;
13. The courage to oppose the use of substances that impair one's judgment or one's health; and
14. Respect for one's property and the property of others, including public property.

In accepting admission to Lynchburg College, a student agrees to learn and abide by all College policies and procedures. Upon participation in an activity to begin one's first semester at Lynchburg College (e.g., check-in, Welcome Week, January orientation, or class attendance), an admitted applicant is considered a student. From this point of matriculation through degree completion (or withdrawal from the College), any report of alleged misconduct may be addressed as a violation of the Lynchburg College Honor and Student Conduct Codes, even if the student was temporarily not taking class at the time of the incident (e.g., during leaves of absence or holiday and summer breaks). The Honor and Student Conduct Codes apply to students' behavior on campus, within the city of Lynchburg, in the surrounding counties of Amherst, Appomattox, Bedford, and Campbell, and anywhere when participating in a College program/event or acting in the capacity of a Lynchburg College student.

In addition to controlling their own behavior, students are expected to do their utmost to help maintain a high level of conduct among fellow students. College policies are set forth in writing to give students general notice of prohibited conduct; they are not designed to define misconduct in exhaustive terms and should be read broadly.

When a violation of College policy is believed to have occurred, the alleged infraction is reviewed by appropriate College officials or members of the student judiciary. If a student is found responsible for violating the Honor and Student Conduct Codes, educational sanctions intended to facilitate the positive growth and development of those involved are issued.

Respect for Laws

The Honor and Student Conduct Codes are based on the expectation that students will respect and obey all regulations of the College, the Commonwealth of Virginia, and the federal government. Students, as adults, are obligated to obey all laws and bear ultimate responsibility for their actions. Violations of laws committed off campus may be interpreted as having impact on or posing a threat to the College community. Consequently, such violations can result in on-campus disciplinary action.

College disciplinary action may proceed during the pendency of any criminal/civil adjudication involving the same incident and is not subject to delay or challenge on the ground that criminal/civil charges are unresolved, reduced, or dismissed.

If regulations or laws are considered to be unfair or improper, it is expected that students will use appropriate, established, and lawful procedures to affect change.

Respect for Self and Others

Students are expected to conduct themselves in ways that exemplify respect for people of all races, religions, and ethnic groups and to adhere to personal values without unduly imposing them on others. In interpersonal relationships, students are expected to respect the rights of others, particularly their right to refuse to participate in any activity. At no time should students harass, assault, or violate the privacy of other persons.

Furthermore, students should take responsibility to serve as leaders in promoting compassion for others and in challenging prejudice against all individuals and groups whether due to race, gender, age, marital status, religion, nationality, socioeconomic status, political persuasion, sexual orientation, disability, or medical disease.

Student Rights

The following rights are afforded to all students:

1. The right to exercise freedom of religion, freedom of speech, freedom of the press, and freedom of peaceful assembly and petition.
2. The right to full participation in all areas of College life.
3. The right to conduct oneself off campus without specific restrictions imposed by the College except for violations of College policies or when one's conduct impacts or poses a threat to the College community. Violations of laws off campus may be interpreted as impacting or posing a threat to the College community, and disciplinary action, not excluding expulsion from the College or any other College sanctions, may result from such conduct.
4. The right in the classroom to be assured against prejudiced or capricious evaluation; the right to decline disclosure of personal, religious, or political views; the right to take reasoned exception to information, conjecture, or views presented; and the right to seek mediation for any evaluation, disclosure, or other decision which is felt to be unjustly made by a classroom instructor.
5. The right to know what items constitute the personal permanent record kept by the College and to have access to review all such items, with the exception of those items supplied to the College in confidence; the right to have all disciplinary records purged when the College deems them inactive; the right to privacy of one's educational records in accordance with the Family Educational Rights and Privacy Act.
6. The right to organize and join campus organizations with educational, lawful, and peaceful purposes; the right of recognized organizations to invite and sponsor speakers and other presentations of an educational nature as long as orderly conditions can be reasonably assured; and the right of recognized organizations to use Lynchburg College facilities.

7. The right to have privacy in College housing and to be free from room inspections, except for maintenance and routine hall closings and maintenance checks, or from search, except by authorized personnel presenting search authorization from the Office of the Dean of Students or the director of residence life specifying reasons for the search, what objects are sought, and the location to be searched; the right to be present at such searches unless the occupant cannot be reached or be present within a reasonable time.
8. The right to have peaceful and quiet conditions for study.
9. The right to establish a system of Student Government that shall represent the student body and prescribe and define codes of student conduct and affairs within the limits of law and legal obligations of the College and with the approval of the general faculty; and the right to implement and enforce such codes through a system of student judicial boards.
10. The right, when under investigation or during a hearing for alleged violation of the Honor and Student Conduct Codes, to written notice of the alleged infraction; sufficient time, as defined in College disciplinary procedures, to prepare for a hearing; opportunity to know and suggest questions for witnesses who participate in the hearing; guarantee against self-incrimination; assurance that decision concerning responsibility or lack thereof shall be made only on the basis of introduced information; and provision for appeal.
11. The right to participate in the decision-making processes of the College by having student membership on faculty committees that deal with matters affecting student affairs.
12. The right to examine all pertinent data, to question assumptions, to be guided by the evidence of scholarly research, and to study the substance of a given discipline.

Honor Code

The Honor Code at Lynchburg College is based on the expectation that students will not lie, cheat, or steal in academic and non-academic matters. The Honor Code has a dual function of protecting both academic and personal integrity.

The importance of honorable conduct has been emphasized at Lynchburg College since its founding in 1903. A professor of history wrote, "The College...stands for all that is noble...and will be sadly disappointed in any student who so forgets her precepts as not to stand for her teachings in every...honorable way." During the 1933-34 academic session, students and faculty adopted a formal honor code for the College. At that time, students stated, "It is not too much to require of any person that he be honest and that he conduct himself in an honorable way." With modifications, the Honor Code has been in continuous operation since its adoption, succeeding because most students in each generation have respected it and have given it a high place in their obligations as Lynchburg College students.

In describing the importance of honor in the College, Dr. John M. Turner Jr., former dean of the College, wrote:

Honor makes possible excellent academic achievements without a system of police proctoring. Honor makes possible satisfying social relations in a spirit of confidence and trust.

The heritage that we have at Lynchburg College is a most valuable one. May all of us preserve the spirit of honor, strengthen it by our conduct, and thus transmit this valuable heritage to those who follow us.

Because the Honor Code is of central importance in the College community, every student is placed on his/her honor and is expected to adhere to the Lynchburg College Honor Pledge:

I understand the importance of honor in any community. Only by maintaining a strict standard of honor can we expect to achieve any measure of academic or social excellence. I, therefore, pledge that during my tenure as a student at Lynchburg College, I will not lie, cheat, or steal either in College affairs or in the environs of the College, nor tolerate such actions by fellow students.

Students are expected to abide by the Honor Code themselves and not to tolerate actions by fellow students that breach the Code. In matters of honor, any reluctance to report a violator is transcended by each individual's responsibility to the entire student body. If a student witnesses or discovers any infraction of the Honor Code, he/she shall ask the person(s) at fault to report the offense to the appropriate professor, the Office of the Dean of Students, or the Student Judicial Board, which have been granted authority to address such matters.

Academic Integrity

The academic integrity section of the Honor Code includes the following A-level violations:

- A1.1 Cheating: Using or attempting to use unauthorized materials, information, or study aids in any educational exercise
- A1.2 Fabrication: Falsification or invention of any information or citation in an educational exercise
- A1.3 Facilitating Academic Dishonesty: Intentionally or knowingly helping or attempting to help another to violate any provision of the Academic Integrity Code
- A1.4 Plagiarism: Representing the ideas or language of another as one's own in any educational exercise (see "Statement on Plagiarism")

Recognizing the difficulty of adjudicating academic violations, which can entail conflict between the rights of the accused and the faculty member's academic freedom rights, the following options are recommended:

I. Suggested action(s) by the faculty member

- A. Grant no credit for the examination or assignment in question (treat as a missed assignment).
- B. Assign a grade of "F" or score of zero for the examination or assignment in question.
- C. Recommend to the Office of the Vice President and Dean for Academic Affairs that the student be dropped immediately from the course with a grade of "F." This grade cannot be changed by student-initiated withdrawal.
- D. Meet with the student to confer about referral of the matter to the Office of the Dean of Students for review as a possible Honor Code infraction. If the faculty member refers the case to the Office of the Dean of Students, final grades for the academic work in question and for the course are not issued until disciplinary review of the matter is concluded. If the student is found not to have violated the Honor Code, then the professor must adhere to the disciplinary decision, grading the academic assignment as legitimate work. If the student is found responsible for having violated the Honor Code, then the professor may implement the grading options detailed in Parts A, B, and C above.
- E. When implementing Part A, B, or C above, faculty are strongly encouraged to notify the Office of the Dean of Students that an academic integrity violation has occurred and that he/she has dealt with the incident. Such notification is necessary to identify recurring problems and to maintain accurate academic integrity records; however, no new action to address the violation will be taken by the Office of the Dean of Students.
- F. If the alleged violation occurs during final examinations, an Incomplete (grade not reported by instructor) shall be given to the student until the allegation is completely resolved.

II. Suggested action(s) by a student witness

- A. Address the student, encouraging him/her to report the infraction to the professor.
- B. Inform the professor of what was witnessed.
- C. Inform the Office of the Vice President and Dean for Academic Affairs of what was witnessed.
- D. Inform the Office of the Dean of Students of what was witnessed.

III. Action(s) by the Office of the Dean of Students

- A. Review the report of a possible academic integrity infraction in accordance with disciplinary procedures described in the Honor and Student Conduct Codes and Regulations.
- B. Resolve a charge of a possible Honor Code infraction through a judicial board hearing. When in

session, the Student Judicial Board has primary jurisdiction for conducting hearings to resolve possible academic integrity infractions; however, at any time, the Office of the Dean of Students may refer an academic integrity hearing to the Administrative Board.

- C. If a student is found to be responsible for an academic integrity violation, the judicial board issues appropriate sanctions. The standard sanction for an academic integrity violation is suspension. However, mitigating and aggravating circumstances of the incident may affect the sanctions imposed. Expulsion may be issued for more serious circumstances, and lesser sanctions (typically not fewer than 50 hours of community service and a period of disciplinary probation, or the equivalent) may be issued for less serious circumstances.
- D. If the sanction of suspension issued for an academic integrity infraction is the student's second suspension from Lynchburg College, regardless of whether the previous suspension was imposed for academic or non-academic reasons, the second suspension constitutes expulsion from the College.

Personal Integrity

The personal integrity section of the Honor Code includes the following A-level violations:

- A2.1 Lying: Any statement, action, or behavior with the intent to deceive or mislead
- A2.2 Stealing: Knowingly taking, appropriating, or carrying out actions to take or appropriate something that is not yours without the permission of the owner
- A2.3 Possession or use of false identification for any purpose, including purchase of alcoholic beverages
- A2.4 Eluding or Evading: Any statement, action, or behavior with the intent to prevent the truth from becoming known, including but not limited to running or hiding from College personnel and destroying evidence being sought

The standard sanction for a personal integrity infraction is suspension from the College; for more information, refer to the section entitled "Sanctioning Guidelines."

Student Conduct Code

Behaviors prohibited by the Student Conduct Code are grouped into two categories: A-level infractions and B-level infractions. Within these categories, policies are assigned to the primary jurisdiction of either the Student Judicial Board (SJB) or the Administrative Board (AB).

B-level violations may be resolved administratively without a hearing. Repeated or accumulating B-level infractions may be adjudicated by a judicial board; typically, a student's third alleged B-level infraction in one semester or fifth alleged B-level infraction during tenure is referred to a hearing board for resolution. All charges of A-level infractions are adjudicated by a judicial board.

In addition to the prohibited behaviors enumerated below, the Student Conduct Code includes policies that are stated or elaborated on in the sections entitled "Residence Life Policies" and "Other Policy-Related Information."

- A3.1 Sexual misconduct (AB; see "Sexual Misconduct Policy and Response Procedures")
- A3.2 Physical attack (AB)
- A3.3 Any act or threat that submits a member of the College community to physical or mental pain, discomfort, indignity, or humiliation (AB)
- A3.4 Sexual harassment (AB; see "Human Rights Policy" and "Sexual Misconduct Policy and Response Procedures")
- A3.5 Hazing (AB; see "Lynchburg College Statement Prohibiting Hazing")
- A3.6 Aiding, abetting, conspiring, hiring, encouraging, or being an accessory to any act prohibited by the Honor and Student Conduct Codes (AB, SJB)
- A4.1 Use or possession of firearms, explosives, fireworks, pellet guns, or other dangerous weapons on campus, including weapons for which the carrier has a legal permit (AB; see "Firearms and Other Weapons")

54 STUDENT CONDUCT CODE

- A4.2 Starting or aiding a fire without a permit (AB)
- A4.3 Giving a false fire alarm, tampering with a fire alarm, or misuse of a fire extinguisher (AB, SJB)
- A5.1 Dangerous practice or action which has the real potential for emotional or bodily harm, injury, and/or death (AB)
- A6.1 Distribution or apparent intent to distribute drugs (AB; see "Alcohol and Other Drugs")
- A6.2 Illegal possession or use of a drug (AB, SJB; see "Alcohol and Other Drugs")
- A6.3 Possession or use of drug paraphernalia (AB, SJB; see "Alcohol and Other Drugs")
- A7.1 Violation of ABC regulations (AB)
- A7.2 Driving under the influence of alcohol or other substance that impairs driving (AB)
- A8.1 Violation of city, state, or federal law (AB, SJB)
- A9.1 Breaking into any room or College facility; unauthorized entry or presence in any College facility (SJB)
- A9.2 Property damage (AB, SJB)
- A10.1 Violation of probation (AB, SJB)
- A10.2 Failure to comply with sanctions (AB, SJB)

(Note: B-level violations may be resolved administratively without a hearing.)

- B1.1 Any act or threat that submits a member of the College community to physical or mental pain, discomfort, indignity, or humiliation (AB)
- B1.2 Sexual harassment (AB; see "Human Rights Policy" and "Sexual Misconduct Policy and Response Procedures")
- B1.3 Hazing (AB; see "Lynchburg College Statement Prohibiting Hazing")
- B1.4 Aiding, abetting, conspiring, hiring, encouraging, or being an accessory to any act prohibited by the Honor and Student Conduct Codes (AB, SJB)
- B1.5 Sexual misconduct (AB; see "Sexual Misconduct Policy and Response Procedures")
- B2.1 Any off-campus conduct deemed or found to impact or pose a threat to the College community (AB, SJB)
- B2.2 Possession of a street, traffic, or municipal sign (SJB)
- B3.1 Violation of Residence Life policies (SJB; see "Residence Life Policies")
- B4.1 Misrepresentation in non-academic affairs of any College business (SJB)
- B4.2 Unauthorized possession or use of personal or College property (SJB)
- B4.3 Unauthorized entry or presence in any College facility (SJB)
- B4.4 Promotion of an unrecognized, suspended, or charter-revoked student group (AB; see "Student Activities")
- B5.1 Obscene acts or abusive language in public (SJB)
- B6.1 Purchase, possession, or use of alcohol by a person under 21 years of age (SJB)
- B6.2 Serving, selling, or otherwise providing or making available alcohol to a person under 21 years of age (SJB)
- B6.3 Presence of a student under 21 years of age in a campus residential room where alcohol is possessed or used by other individuals under 21 years of age (SJB)
- B6.4 Possession of alcohol by anyone, regardless of age, in a campus residential room where all assigned residents are under age 21 (SJB; a room where all assigned residents are under age 21 is considered "dry.")
- B6.5 Possession or consumption of alcohol in a campus residential room by an individual age 21 or older in the presence of a person under age 21 (Exception: A student age 21 or older may possess and consume alcohol in his/her assigned room if the only underage person present is his/her roommate; SJB)
- B7.1 Use of alcohol or other substance that impairs thought, behavior, and/or coordination (SJB)
- B8.1 Possession or use of a keg, community container, or other quantity of alcohol surpassing that reasonable for private, personal use at an unlicensed place, event, or campus residence (AB; a "community container" typically has a capacity of one gallon or more)
- B8.2 Possession and/or consumption of alcohol by a person of any age in a lounge, corridor, stairway, or other common area of a residence hall, except on designated special occasions (NOTE: Individual residence hall rooms with doors open are considered extensions of the corridor; SJB)

- B8.3 Possession of an open container of alcoholic beverage on campus outside restricted areas (SJB)
- B8.4 Possession or use of alcoholic beverages at indoor or outdoor athletic facilities or events, except when such facilities are used for licensed social events (SJB)
- B8.5 Use, possession, sale, serving, or otherwise making available of alcoholic beverages at any membership recruitment function (SJB)
- B9.1 Use of advertising and/or promotional materials that promote the use of alcohol (SJB)
- B9.2 Violation of ABC regulations (SJB)
- B10.1 Failure to comply with directions of College personnel or officials acting in performance of their duties (AB, SJB)
- B10.2 Failure to comply with sanctions (AB, SJB)
- B11.1 Possession of fireworks (AB)
- B11.2 Failure to vacate a building during a fire, fire drill, or fire alarm (SJB)
- B12.1 Property damage (SJB)
- B13.1 Visitation violation (SJB; see "Visitation Policy")
- B13.2 Unauthorized presence of an animal in any College facility (SJB; see "Pets on Campus")
- B13.3 Noise violation or disturbance (SJB)
- B13.4 Dangerous practice, including but not limited to: burning incense or candles, throwing objects into or out of windows, hall ball, water battles, and providing College ID or key to another (SJB)
- B14.1 Urinating in public or other indecent exposure (SJB)
- B14.2 Littering or other behavior resulting in unclean or unnecessarily unkempt conditions (SJB)
- B14.3 Disruptive behavior (SJB)

Disciplinary Procedures

Reports of alleged violation of the Honor and Student Conduct Codes are addressed by the Office of the Dean of Students. Students, faculty, and staff may submit written and/or oral reports of possible infractions to the Office of the Dean of Students. Reports received from individuals or agencies outside the College community may also result in College disciplinary action. Reports of possible misconduct should be submitted in a timely manner; passage of time between an incident and report submission may diminish or eliminate the ability of the Office of the Dean of Students to review the report effectively. A report submitted 150 days or more after an incident is not reviewed as a possible violation of the Honor and Student Conduct Codes.

When a report of a possible infraction is received by the Office of the Dean of Students, the following process is implemented:

1. The report of alleged misconduct is reviewed to determine appropriate address of the matter, including whether disciplinary action should be initiated. This review may include contacting the student reportedly involved in the incident and/or other witness(es) to seek additional, clarifying information regarding the alleged misconduct. However, such review is not an exhaustive search for every detail directly or indirectly related to the incident. Students who provide information about an incident are expected to provide honest, accurate, and complete information. Providing information that is false, incomplete, or misleading may result in disciplinary action.

Review of a reported incident does not, in itself, constitute disciplinary action. Disciplinary action is initiated when a charge of infraction of the Honor Code or the Student Conduct Code is issued to a student.

2. If it is determined that disciplinary action should be initiated to resolve only B-level infractions, the violations may be resolved administratively without a hearing. When an incident is resolved administratively without a hearing, an authorized representative of the Office of the Dean of Students determines charges and sanctions and communicates these decisions in writing to the student.

3. If it is determined that disciplinary action should be initiated to resolve a possible A-level infraction, a hearing is conducted by either the Student Judicial Board or the Administrative Board. A judicial board hearing may also be conducted to resolve repeated or accumulating B-level infractions (typically, a student's third alleged B-level infraction in one semester or fifth alleged B-level infraction during tenure).

If a hearing is needed and charges are issued from more than one jurisdiction, the Office of the Dean of Students determines which hearing board adjudicates the case. The appropriate judicial board chairperson or representative of the Office of the Dean of Students determines charges, establishes a date and location for the hearing, and communicates these decisions in writing to the student.

When a hearing takes place, the appropriate hearing panel addresses the alleged infraction(s), following the hearing procedures outlined in the Honor and Student Conduct Codes and Regulations (see "Hearing Procedures").

4. In both administrative handlings and judicial board hearings, a student is found responsible for violating a specified policy only if the adjudicator(s) determine that a preponderance of the incident information shows that the student engaged in the misconduct.
5. A student found responsible for violating the Honor and Student Conduct Codes may submit one written appeal of decisions made through an administrative handling or a judicial board hearing. (For more information about appeal requests, see "Appeal Procedures.")
6. Written notice of disciplinary charges and of sanctions is sent to the student's local address listed in College records. For full-time undergraduate students, the address used is the campus mailbox number or College e-mail address. Failure or refusal to pick up or accept a letter does not remove the student's obligation to adhere to any instructions, sanctions, or deadlines issued in the letter.

At the end of a semester, due to the limited time that a student may remain on campus or in the Lynchburg area, the Office of the Dean of Students may amend disciplinary procedures and/or timelines described elsewhere in *The Hornet* in any way to resolve alleged infractions.

A student may not avoid adjudication of an alleged policy infraction by withdrawing from the College. Should a student withdraw or depart from the College before review of a reported incident and/or adjudication of an alleged infraction is completed, the disciplinary process may proceed, as described in *The Hornet*, and appropriate sanctions for confirmed charges may be issued. Pending resolution of a disciplinary matter, a hold may be placed on the absent student's transcript.

Judicial Boards

In keeping with the philosophy that students are to do their utmost to help maintain a high level of conduct among fellow students, much of the responsibility for handling violations of the Honor and Student Conduct Codes is invested in students via the Student Judicial Board, which is comprised solely of students. Staff and faculty contribute to the address of alleged misconduct through the Administrative Board.

The shared purpose of Lynchburg College's judicial boards is to promote integrity and responsible citizenship through enforcement of the Honor and Student Conduct Codes and Regulations, to help educate students about acceptable behavioral choices, and to deter misconduct. Both judicial boards have the authority to hear all cases arising within their respective jurisdictions, to impose appropriate sanctions in accordance with provisions contained in *The Hornet*, and to require that students appear in conjunction with a hearing. Judicial board proceedings are fact-finding in nature rather than adversarial and conducted in accordance with hearing procedures outlined in the Honor and Student Conduct Codes and Regulations (see "Hearing Procedures").

When addressing an incident of alleged misconduct, a judicial board member may serve as a hearing advisor or as a panel member.

- A **hearing advisor** assists a student who has been notified that his/her conduct is being investigated before a possible judicial board hearing or who has been charged with an alleged violation that will be resolved through a judicial board hearing. An advisor is neither involved in determining the outcome of the case nor allowed to speak or argue a case on behalf of a charged student. Instead, an advisor assists the student, if requested, in understanding his/her rights and responsibilities and the hearing procedures. An advisor may accompany the student to investigation, hearing, and appeal proceedings. During a hearing, an advisor may accompany the charged student in the hearing room whenever the charged student is present. An advisor may counsel the charged student during a hearing but may not participate actively in the hearing; the charged student must speak for himself/herself and suggest questions of witnesses as needed.
- A **hearing panel member** participates in the hearing proceedings, listens to information presented during the hearing, and collaborates with other panel members to determine whether or not the charged student violated College policies. If the charged student is found responsible for an infraction, the hearing panel members assign appropriate sanctions.

Student Judicial Board

The Student Judicial Board (SJB) resolves cases of alleged infractions of the Honor and Student Conduct Codes. SJB members are selected through application and interview processes. For each Student Judicial Board hearing, five SJB members, including a chairperson, serve on the hearing panel. Other members may participate in the hearing as hearing advisors.

Two Student Judicial Board chairpersons provide leadership to SJB and facilitate hearings. During the fall and spring semesters, SJB chairpersons also resolve student appeal requests related to traffic and parking violations. At his/her discretion, a chairperson may arrange for a judicial board advisor to attend, observe, and assist SJB during a hearing, including during private deliberations.

Qualifications for the position of SJB chairperson include prior service on SJB for at least two semesters and classification as a junior before or during the term of office. The Student Judicial Board chairpersons for 2011-12 are:

Jennica Sims '12
Tara Szakal '13

Administrative Board

Through Administrative Board hearings, the Office of the Dean of Students may address any reported misconduct, including matters outside the jurisdiction of the Student Judicial Board, all matters when SJB is not in session, and any matter that the Student Judicial Board is unable to resolve in a timely manner. Additionally, the Office of the Dean of Students addresses cases involving seniors who reportedly violated College policies during the last weeks of classes, finals, or senior days.

Administrative Board hearings are conducted by a panel of three staff and/or faculty members, one of whom serves as chairperson. The Office of the Dean of Students selects members of the Lynchburg College staff and faculty to serve as hearing panel members on the Administrative Board.

Hearing Procedures

Student Judicial Board and Administrative Board hearings are conducted according to the following outline, except in cases of possible sexual misconduct (see "Sexual Misconduct Policy and Response Procedures"):

- Call to order;
- Introductions;
- Signing of the Honesty Statement;

- D. Determination of whether the hearing is open or closed to the campus community (current Lynchburg College students, faculty, and staff only). A hearing may be open to the campus community only if both the charged student(s) and the accuser agree. When the College investigates a case, the Office of the Dean of Students or appropriate designee adopts the role of accuser. For any hearing, only current Lynchburg College students, faculty, and staff may attend.
- E. Reading of the charge(s) to be considered;
- F. Statement by the charged student of whether he/she is not responsible or responsible for the alleged policy violation(s);
- G. Presentation of information concerning charge(s), including the following components if relevant to the hearing but not necessarily in this order:
 - 1. Investigation report;
 - 2. Information from witnesses;
 - 3. Information from the charged student concerning his/her account;
 - 4. Information from character reference;
 - 5. Questions by judicial board members; and/or
 - 6. Questions suggested by the charged student;
- H. Summary comments by the charged student, if he/she elects to make them;
- I. Break for private judicial board deliberation. If the board determines that the charged student is responsible for one or more infractions, the board then also determines appropriate sanctions; and
- J. Oral presentation of the board's decision(s), which the charged student may elect to attend.

If a charged student fails to attend his/her hearing after being provided with adequate notice, the hearing will proceed in the student's absence and a decision will be made by the judicial board.

Rights of a Charged Student

The following privileges are extended to a student who has been notified that his/her conduct is being investigated before a possible judicial board hearing or who has been charged with an alleged violation that will be resolved through a judicial board hearing:

- A. The right not to comment on or provide information about an infraction which he/she allegedly committed. If a student elects to provide information about an incident, he/she is expected to provide honest, accurate, and complete information. Providing information that is false, incomplete, or misleading may result in additional disciplinary action.
- B. The right to identify a member of the campus community (current Lynchburg College student, faculty, or staff member only) to serve as a hearing advisor and to be accompanied by an advisor at investigation, hearing, and appeal proceedings. During a hearing, an advisor may accompany the charged student in the hearing room whenever the charged student is present and counsel the charged student; however, an advisor may not participate actively in the hearing.
- C. The right to be provided with written notification of the nature of the charge(s) within five class days after an investigation has been completed ("class days" do not include Saturdays, Sundays, examination periods, student holidays, summer terms, and days on which College classes are canceled due to inclement weather or other circumstances);
- D. The right to a fair inquiry within 20 class days after being charged, unless the charged student requests and receives a delay in the hearing schedule;
- E. The right to have at least three class days prior to a hearing to prepare for a hearing, except in cases involving interim suspension or at the end of an academic semester;
- F. The right to express a preference regarding whether or not the hearing will be open to the campus community (current Lynchburg College students, faculty, and staff members only), except in cases of alleged sexual misconduct for which hearings are always closed;
- G. The right to present information orally or in writing during the hearing;
- H. The right to request that the Office of the Dean of Students call to the hearing witnesses (current Lynchburg College students, faculty, or staff members only) who have first-hand knowledge of the alleged infraction, without guarantee that the request will be granted;

- I. The right to provide information to the hearing panel from one character reference (current Lynchburg College student, faculty, or staff member only) either by inviting the character reference to speak during the hearing or by submitting a written statement from the character reference during the hearing;
- J. The right to suggest relevant questions for the hearing panel to direct to witnesses. The hearing panel decides whether to ask the questions, which may include rephrasing;
- K. The right, in cases where the charged student desires to accept responsibility for all charges, to waive the presentation of the information concerning charges and to proceed to determination of sanctions (see "Hearing Procedures" Part G or "Sexual Misconduct Policy Hearing Procedures" Part F). (NOTE: If a single charge includes both an A-level and a B-level option, the charged student must accept responsibility for the A-level option when waiving the presentation of information concerning charges.);
- L. The right to be advised in writing of the results of the hearing; and
- M. The right to submit one written appeal of the judicial board's decision on the grounds of:
 1. new information not available at the time of the hearing that likely would significantly alter the hearing panel's understanding of the case;
 2. sanction(s) disproportionate to the severity of the violation(s); and/or
 3. incorrect procedure that substantially impacted the fairness of the hearing.

Letters regarding charges of alleged infractions issued, scheduled hearings, and hearing results sent to a student's local address listed in College records constitute full and adequate notice. For full-time undergraduate students, one's local address is one's campus mailbox number or College e-mail address. Failure of a student to provide an address change or forwarding address, or failure or refusal to pick up or accept letters, does not remove the student's obligation to adhere to any instructions, sanctions, or deadlines issued in the letters or constitute a procedural error for which the student may be granted a hearing appeal.

Sanctions

Below is a list of sanctions that may be imposed upon students for violation of College policies. Recognizing the authority of judicial boards and administrators to impose sanctions that are appropriate for the circumstances of an individual case, this list is not intended to be all-inclusive. Sanctions become increasingly severe for repeated or accumulating infractions.

1. **Warning:** Notice, verbally or in writing, that continuation or repetition of conduct found wrongful may be cause for more serious disciplinary action.
2. **Community Service Hours:** Completion of a specified number of hours of community service work within a defined period of time.
3. **Creative Sanction:** Individually designed sanction with educational purpose.
4. **Fine:** Payment of a specified sum of money.
5. **Restitution:** Reimbursement for damage to or misappropriation of property. Restitution may take the form of appropriate service or other compensation.
6. **Restriction from Participation or Activity:** Exclusion for a specified period from participation in privileges or co-curricular College activities (e.g., event attendance, organization membership, varsity athletics, receipt of award) and/or restriction from specified College facilities.

Seniors found responsible for violating College policy, including violations occurring during the last week of classes, finals, or senior days, may be prohibited from participating in Commencement activities/ceremonies and/or from obtaining a diploma/transcript pending completion of all sanctions.

7. **Disciplinary Probation:** Infraction(s) committed during the specified period of disciplinary probation are likely to result in suspension. Disciplinary probation may be general, encompassing

adherence to all College policies, or it may be limited to particular types of conduct (e.g., alcohol and/or drug use). Exclusion from participation in privileges or co-curricular College activities may also be included in disciplinary probation.

Seniors found responsible for violating College policy, including violations occurring during the last weeks of classes, finals, or senior days, may be prohibited from participating in Commencement activities/ceremonies and/or from obtaining a diploma/transcript pending completion of all sanctions.

8. **Suspension:** Exclusion from the College community, including classes and other privileges or activities as set forth in the notice, for a specified period of time. Readmission is not automatic after the expiration of the suspension period, and conditions of readmission may be established. Suspension from the College is the standard sanction for all A-level infractions and for accumulated B-level infractions. Suspension supersedes student-initiated withdrawal from the College.

If a student is suspended a second time, regardless of whether the two suspensions were imposed for academic or non-academic reasons, the second suspension constitutes expulsion from the College.

9. **Expulsion:** Termination of student status permanently or for an indefinite period. Expulsion supersedes student-initiated withdrawal from the College.
10. **Referral for Prosecution:** Alcohol and drug violations, hazing, and any felonies may result in referral for prosecution.
11. **Interim Action:** The vice president and dean for student development or his designee may determine that sufficient cause exists to impose interim actions pending disciplinary proceedings and/or medical evaluation. Interim actions may include, but are not limited to: making a new residential assignment that requires a student to move; removing a student's ability to live on campus; restricting access to specified areas of campus; requiring a student to change to another section of an academic class and/or to stop attending a class; and interim suspension from the College. If placed on interim suspension, a student is required to leave College property within the time specified in the interim suspension notice. If interim suspension results from a disciplinary matter, a hearing is offered in accordance with Lynchburg College disciplinary procedures, usually within five class days of this interim action.
12. **Group Sanctions:** Sanctions may be issued to groups of individual students, including but not limited to residential living groups and student organizations, which are involved in or permit violations to occur in their residence area or elsewhere. Examples of sanctions that may be imposed upon groups include restriction or suspension of visitation or other social privileges, restoration, and restitution. Additionally, campus privileges may be revoked, charters rescinded, and/or disciplinary sanctions imposed on individual group members. If an alleged violation is party-related, students allegedly involved may be placed on party probation by the Office of Residence Life pending adjudication of the matter.

Sanctioning Guidelines

The following guidelines exist for issuing sanctions. These guidelines are not to be taken as absolute or maximum standards but as recommended minimums. Consistent with their authority, authorized staff members and judicial boards may impose any of the minimum penalties, regardless of order, and may impose penalties not listed and/or beyond the recommended minimums.

The following guidelines have been established to provide predictable and escalating responses to repeated or accumulating infractions. These sanctioning guidelines are based on the following underlying premises:

- Prior A-level violations are always taken into consideration when determining sanctions for new misconduct.
- After a student has completed one full calendar year since his/her most recent B-level infraction without committing any additional violations, the cumulative, escalating consequences of previous B-level infractions are removed, and the student begins again with a “clean slate” for sanctioning purposes. This practice is meant to serve as a positive incentive. (NOTE: Prior harassment and/or sexual misconduct-related violations are always taken into consideration when sanctioning similar subsequent violations, regardless of the length of time between such violations.)
- Typically, B-level violations are resolved administratively without a hearing. However, a student’s third alleged B-level infraction in one semester or fifth alleged B-level infraction during tenure may be referred to a hearing board for adjudication.

A-Level Sanctions

Suspension is the standard sanction for an A-level violation of either the Honor Code or the Student Conduct Code. However, mitigating and aggravating circumstances of the incident may affect the sanctions imposed. Expulsion may be issued in more serious circumstances, and lesser sanctions (typically not fewer than 50 hours of community service and a period of disciplinary probation, or the equivalent) may be issued for less serious circumstances. For additional sanctioning guidelines for drug- or paraphernalia-related violations, see “Drug Regulations.” For additional sanctioning guidelines for sexual misconduct-related violations, see “Sexual Misconduct Policy and Response Procedures.”

B-Level Sanctions

Sanctions for B-level infractions other than those related to alcohol are administered according to the following **minimum** guidelines. If a single incident involves more than one policy infraction, the adjudicator decides whether to sanction the incident as one violation or as multiple violations.

1st B-level violation:

1. Written warning

2nd B-level violation:

1. Option to complete 10 hours of community service as assigned or to pay a \$50 fine

3rd B-level violation:

1. Completion of 15 hours of community service
2. Payment of a \$75 fine

4th B-level violation:

1. Completion of 25 hours of community service
2. Payment of a \$100 fine

5th B-level violation and beyond:

1. Add 20 hours of community service for each additional B-level infraction beyond the fourth. For example, a fifth B-level violation receives a minimum of 45 service hours, a sixth B-level violation receives a minimum of 65 service hours, etc.
2. Disciplinary probation

Additional educational sanctions are imposed for B-level alcohol-related infractions, accompanying other sanctions issued in accordance with B-level sanctioning guidelines. **Minimum** sanctioning guidelines for alcohol-related violations are:

1st alcohol-related violation:

1. Appropriate B-level sanction(s)
2. Required attendance at an educational session or equivalent
3. \$50 fine to support the cost of alcohol education

2nd alcohol-related violation*:

1. Completion of appropriate B-level community service hours
2. Payment of appropriate B-level fine
3. Participation in an alcohol education seminar or activity
4. Alcohol probation for one year

3rd alcohol-related violation*:

1. A student's third or subsequent alleged alcohol-related violation is typically referred to the appropriate judicial board for adjudication.
2. If found responsible for a violation of probationary status, the standard sanction is suspension. However, mitigating and aggravating circumstances may affect the sanctions imposed, resulting in expulsion for more serious circumstances and in lesser sanctions for less serious circumstances.
3. In all cases, if suspension is not imposed, sanctions will include at a minimum:
 - a. Disciplinary probation
 - b. Completion of a substance abuse assessment conducted by a professional counselor and adherence to all recommendations of the counselor
 - c. Completion of 50 hours of community service

* Parents of dependent undergraduates under age 21 are contacted after the student is found responsible for a second alcohol-related violation and after every subsequent alcohol violation until the student reaches 21 years of age.

Appeal Procedures

Regardless of whether an incident is resolved through an administrative handling or through a judicial board hearing, a charged student has the option of submitting one written appeal request, as detailed below. Typically, the charged student is not afforded a meeting with the person resolving the appeal request. Regardless of the outcome of the appeal request, the charged student is notified in writing of the appeal outcome. Appeal outcome decisions are final decisions in the disciplinary process; additional appeal is not available through the Honor and Student Conduct Codes and Regulations.

Appeal of Administrative Handling Decisions

An appeal request concerning charges and/or sanctions stemming from B-level violations resolved administratively without a hearing may be made by a charged student on the ground of incorrect determination of responsibility and/or on the ground of sanction(s) disproportionate to the severity of the violation. An appeal request of an administrative handling must be made in writing by the specified deadline to the representative of the Office of the Dean of Students who issued the charges and sanctions. (Exception: The vice president and dean for student development or his designee resolves appeal requests concerning charges and/or sanctions stemming from B-level violations of the Sexual Misconduct Policy resolved administratively without a hearing.)

Appeal of Judicial Board Hearing Decisions

An appeal request concerning the outcome of a judicial board hearing may be made by a charged student on one or more of the following grounds:

- i. new information not available at the time of the hearing that likely would significantly alter the hearing panel's understanding of the case;
- ii. sanction(s) disproportionate to the severity of the violation; and/or
- iii. incorrect procedure that substantially impacted the fairness of the judicial board hearing.

The appeal request may include one letter from one character reference (current Lynchburg College student, faculty, or staff member only). Appeal requests may result in decisions to uphold all original decisions made by the judicial board, to reverse or modify in any way the original decisions, or to return the case to the judicial board for a new hearing.

An appeal request concerning decisions rendered through a judicial board hearing must be submitted in writing to the Office of the Dean of Students within two class days after the hearing ended. The

Office of the Dean of Students forwards the appeal request to the appropriate review person. In general, appeal requests are resolved by the vice president and dean for student development. If the vice president participated significantly in pre-hearing address of the matter or in the hearing, then the appeal is resolved by the president of the College or his designee. Appeals of academic integrity policies are typically delegated to the vice president and dean for academic affairs.

Notification of Parents Concerning Student Discipline

Provided that an undergraduate student has supplied the College with necessary information about dependency, the parent (or legal guardian) of a dependent undergraduate student is usually contacted by the Office of the Dean of Students concerning disciplinary matters involving the following circumstances:

- Probationary status, indicating that a subsequent infraction will likely result in suspension or expulsion from the College;
- Suspension or expulsion from the College; and/or
- A second or subsequent alcohol-related violation committed by a student under age 21.

Parental notification is intended to involve the larger network of persons concerned about the student, his/her behavior, and his/her handling of sanctions.

A dependent sophomore, junior, or senior student may submit a written request that no parental notification be made, specifying extenuating circumstances that he/she believes warrant deviation from typical parental notification practices. Such requests are evaluated on a case-by-case basis.

Other Policy-Related Information

The following information elaborates on College policies and practices related to the disciplinary process. Failure to adhere to College policies may result in disciplinary action.

Alcohol and Other Drugs

Lynchburg College does not condone the illegal or otherwise irresponsible use of alcohol and other drugs. It is the responsibility of every member of the College community to know the risks associated with substance use and abuse. This responsibility obligates students and employees alike to know relevant College policies and federal, state, and local laws, as well as to conduct themselves in accordance with these policies and laws.

Alcohol Regulations

Lynchburg College policies concerning alcohol are established to:

- promote healthy lifestyles for students;
- promote a high-quality environment in College housing, student activities, and other facets of student life;
- support academic achievement;
- provide education, health and counseling services, and referral for additional services as needed;
- provide a reasonable degree of freedom of choice concerning the use or non-use of alcohol within the limits imposed by the educational responsibilities of the College and requirements of the law; and
- address misuse of alcohol.

Of primary concern is the impact of alcohol on the climate and quality of life in the College community and on the well-being of individuals. Persons age 21 or older who choose to consume alcohol are expected to drink in moderation. To help students make informed, responsible choices, educational materials and presentations are provided. Persons presenting conditions such as drunkenness, incoherence, or loss of consciousness are referred for educational services and/or medical assessment. Additionally, these and other behaviors related to substance use or abuse may be addressed through appropriate disciplinary sanctions.

The Lynchburg College Student Conduct Code includes policies restricting the use of alcohol and other alcohol-related behaviors. Persons under age 21 are prohibited from possessing or using alcoholic beverages. Those 21 and older are permitted the privilege of possessing and using alcoholic beverages in moderation in specifically designated places or at specifically designated functions as indicated:

A. The possession or use of alcoholic beverages is permitted only by persons who are 21 years of age or older AND only as follows:

1. In a student campus residential room with the door closed **AND**:
 - a. No one under age 21 is present while alcohol is consumed (Exception: A student age 21 or older may consume alcohol in his/her assigned residential room if the only underage person present is his/her roommate.); **AND**
 - b. One or both of the room's assigned residents are age 21 or older; **AND**
 - c. The room is not in a residential area designated to be alcohol-free.
2. Inside College houses, townhouses, and apartments in accordance with the terms of the residential agreement and other guidelines established by the Office of Residence Life
3. In other residential locations on occasions and in accordance with guidelines established by the Office of Residence Life
4. Beer and wine in licensed locations on special occasions for the time, place, and area defined in a banquet license (e.g., licensed Student Activities Board events in Memorial Ballroom or the Pavilion).

B. Alcoholic beverages may not be possessed or consumed by anyone, regardless of age, in the following residential locations:

1. A campus residential room where all assigned residents are under age 21;
2. Montgomery Hall, Tate Hall, and any other residential facility designated as alcohol-free;
3. Indoor common areas, including lounges, stairwells, and hallways; and
4. Outdoor areas around residential facilities, including porches, yards, sidewalks, parking lots, and streets.

Residence Life and security staff members may ask to see the contents of backpacks, bags, or other packages suspected to contain alcohol.

C. Other prohibited conduct regarding alcohol includes:

1. Possession or consumption of alcohol by an individual under age 21;
2. Serving, selling, or otherwise providing or making available alcohol to a person under 21 years of age;
3. Distribution of alcohol without an ABC license;
4. Collection of money for any purpose where alcohol is present without an ABC license;
5. Driving under the influence of alcohol;
6. Use of alcohol that impairs thought, behavior, or coordination;
7. Presence of a student under age 21 in a campus residential room where alcohol is possessed or used by other individuals under age 21;
8. Possession or use of a keg, community container, or other quantity of alcohol surpassing that reasonable for private, personal use at an unlicensed place, event, or campus residence;
9. Possession of an open container of alcoholic beverage by a person of any age in a lounge, corridor, stairway, or other common area of a residence hall, except on designated occasions;
10. Possession of an open container of alcoholic beverage on campus outside restricted areas;
11. Possession or use of alcoholic beverages at indoor or outdoor athletic facilities or events, except when such facilities are used for licensed social events;
12. Use, possession, sale, serving, or otherwise making available alcoholic beverages at any membership recruitment function;
13. Violation of ABC regulations; and
14. Possession or use of false identification for acquisition for alcohol.

D. Alcoholic beverages are permitted to be distributed on campus only in licensed areas as follows:

1. Specifically designated locations as defined in a banquet license (e.g., wine or beer in Memorial Ballroom and Westover Room);
2. Any request for an alcohol license other than through the standard Dining Services procedure must go to the President's Cabinet for approval.

E. Any event, other than small group socializing in a private room, at which alcoholic beverages are permitted, distributed, or served must be conducted within the following guidelines:

1. Events held in College housing must be registered with and approved by the Office of Residence Life. Events held in non-residential campus buildings must be registered with and approved by the Office of Student Activities and/or the Office of the Dean of Students. Events held outdoors must be approved by the President's Cabinet in addition to the Office of Student Activities and/or the Office of the Dean of Students.
2. A permit shall be obtained from the local district ABC office.
3. There must be a non-alcohol theme for the event.
4. Individuals sponsoring and conducting the event must implement precautionary measures to ensure that alcoholic beverages are not accessible or served to persons under age 21 or to persons who appear to be intoxicated.
5. Direct access to and consumption of alcoholic beverages is permitted only within the approved area designated for the event.
6. Non-alcoholic beverages must be available at the same places as alcoholic beverages and featured as prominently as alcoholic beverages.
7. A reasonable portion of the budget for the event shall be designated for purchase of food items.
8. No social event may include any form of "drinking contest" in its activities or promotion.
9. Advertisement for any College event where alcoholic beverages are served must note the availability of non-alcoholic beverages as prominently as alcoholic beverages. Alcohol may not be used as an inducement to participate in a campus event.
10. Promotional materials, including advertisement for any College event, must not make reference to the amount of alcoholic beverages available, such as the number of beer kegs.
11. As appropriate to the size and nature of the event, College-approved security personnel must be present at all times.
12. The sponsoring group or host must be concerned about the condition and safety of those leaving the event and shall implement such techniques as cessation of serving alcohol long enough before the end of event to aid in the assessment of the condition of guests.

F. Marketing of alcohol on campus is prohibited.

1. Use of advertising and/or promotional materials that promote the use of alcohol are prohibited.

For information about Virginia laws concerning alcohol, see "Laws Regarding Alcohol."

Drug Regulations

Lynchburg College's Student Conduct Code prohibits possession, use, and distribution of illegal drugs, as well as distribution and abuse of prescription medication. (NOTE: Synthetic marijuana [e.g., "Spice," "K2"] is illegal in Virginia.) Driving under the influence of a drug that impairs driving is also prohibited.

Lynchburg College's Student Conduct Code prohibits possession or use of drug paraphernalia. Items considered to be drug paraphernalia include but are not limited to glass smoking pipes, bongs, hookahs, marijuana "bowls," and spoofs, regardless of how such items are actually used.

Suspension from Lynchburg College is the standard sanction for a first-time violation of drug-related policies; expulsion is issued in more serious cases and for second drug-related infractions. Additionally, illegal possession or distribution of controlled substances may result in criminal prosecution by city, state,

and/or federal law enforcement agencies. Lynchburg College notifies law enforcement officers of illegal drugs and paraphernalia confiscated on campus and cooperates with the authorities in apprehending and prosecuting alleged violations of drug laws.

Any student seeking readmission to Lynchburg College after suspension for any drug- or paraphernalia-related violation must complete the following prior to submitting a readmission application:

1. A substance abuse assessment with a licensed professional counselor with required follow-through on recommendations made by the counselor;
2. A drug education seminar; and
3. A paper summarizing what was learned through the assessment and seminar and how that knowledge will influence the student's behavior, if the student is readmitted.

Any student re-enrolled after suspension for any drug- or paraphernalia-related violation must complete the following:

1. Remain on drug probation throughout the student's tenure at Lynchburg College;
2. Participate in random drug testing and bear the cost of testing; and
3. Complete up to fifty hours of community service in the first semester of return.

Re-enrolled students who do not comply with the conditions set forth above or who have a second drug- or paraphernalia-related violation will be expelled from Lynchburg College.

For information about federal and Virginia laws concerning controlled substances, see "Laws Regarding Controlled Substances."

Drug Testing Policy for Student-Athletes

The use of drugs is illegal by state law and prohibited by College policy. Lynchburg College vigorously opposes the use of drugs by any student.

The College recognizes the particular pressure on and vulnerability of student-athletes to use drugs that affect performance. The College also recognizes that athletes and their coaches have a close relationship that makes it appropriate for coaches to assume a special obligation to counsel student-athletes regarding the use of drugs.

The NCAA has declared that it will randomly test Division III athletes engaged in post-season national competition. Lynchburg College reserves the right to test for drugs any student-athlete at any time.

Upon confirmation of a positive drug test result by the College physician, the director of athletics communicates the student-athlete's name and test results to the Office of the Dean of Students for review in accordance with the Honor and Student Conduct Codes and Regulations. Similarly, when a student-athlete is found responsible for violation of drug-related policies in the Honor and Student Conduct Codes, the Office of the Dean of Students notifies the director of athletics of the incident, including charges and sanctions issued.

Suspension from Lynchburg College is the standard sanction for a first-time violation of drug-related policies in the Honor and Student Conduct Codes; expulsion is issued in more serious cases and for second drug-related infractions. In addition, a student-athlete found responsible for a first-time drug violation or positive drug test is suspended from athletic participation for one year, in accordance with the Lynchburg College Athletic Department Drug and Alcohol Policy; a student-athlete found responsible for a subsequent drug violation or positive drug test is suspended permanently from athletic participation.

Effects of Alcohol and Other Drugs

The negative physical and mental effects of the use of alcohol and other drugs are well documented. Use and abuse of these drugs may cause blackouts, poisoning, and overdose; physical and psychological dependence; damage to vital organs such as the brain, heart and liver; inability to learn and remember information; and psychological problems including depression, psychosis, and severe anxiety.

Impaired judgment and coordination resulting from the use of alcohol and other drugs are associated with DUI/DWI arrests; hazing; falls, drowning and other injuries; contracting sexually-transmitted diseases including AIDS; unwanted or unplanned sexual experiences and pregnancy; and acquaintance assault and rape.

The Health Center nurses, physicians, and/or Counseling Center counselors provide first-line assessment and referral as necessary for students needing assistance, as well as consultation for those concerned about others.

Risks associated with specific drugs include:

ALCOHOL: Alcohol abuse is a progressive disorder in which physical dependency can develop. Even low doses of alcohol impair brain function, judgment, alertness, coordination, and reflexes. Low to moderate doses of alcohol also cause an increase in a variety of aggressive actions such as assaults, including spousal and child abuse.

Moderate to high doses of alcohol cause marked impairments of higher mental functions, severely altering a person's decision-making ability and ability to learn, process, and remember information. Very high doses cause suppression of respiration and death.

Chronic alcohol abuse can produce dementia, sexual impotence, cirrhosis of the liver, and heart disease; sudden withdrawal can produce severe anxiety, tremors, hallucinations, and life-threatening convulsions. If combined with other drugs, much lower doses of alcohol will produce the same effects as higher doses of alcohol alone.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants may have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics themselves.

MARIJUANA (CANNABIS): Marijuana has negative physical and mental effects. Physical effects include elevated blood pressure, a dry mouth and throat, bloodshot and swollen eyes, decrease in body temperature, and increased appetite. Frequent and/or long-time users may develop chronic lung disease and damage to the pulmonary system.

Use of marijuana is also associated with impairment of short-term memory and comprehension, an altered sense of time, and a reduction in the ability to perform motor skills such as driving a car. Marijuana use produces listlessness, inattention, withdrawal, and apathy. It also can intensify underlying emotional problems and is associated with chronic anxiety, depression, and paranoia.

Synthetic marijuana (e.g., Spice, K2, "fake weed," "legal bud," "incense") is herbal material treated with synthetic chemicals to mimic the intoxicating effects of marijuana. The chemicals in synthetic marijuana have not been tested or approved for human consumption.

HALLUCINOGENS: This category includes phencyclidine (PCP or "angel dust") and amphetamine variants which have mind-altering effects. Perception and cognition are impaired and muscular coordination decreases. Speech is blocked and incoherent. Chronic users of PCP may have memory problems and speech difficulties lasting six months to a year after prolonged daily use. Depression, anxiety, and violent behavior also occur. High psychological dependence on the drug may result in taking large doses of PCP. Large doses produce convulsions, comas, and heart and lung failure.

Lysergic acid diethylamine (L.S.D. or "acid"), mescaline, and psilocybin (mushrooms) cause illusions, hallucinations, and altered perception of time and space. Physical effects include dilated pupils, elevated body temperature, increased heart rate and blood pressure, decreased appetite, insomnia, and tremors. Psychological reactions include panic, confusion, paranoia, anxiety, and loss of control. Flashbacks, or delayed effects, can occur even after use has ceased.

COCAINE: Cocaine stimulates the central nervous system. Immediate physical effects include dilated pupils and increased blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use may destroy nasal tissues. Following the “high” of extreme happiness and a sense of unending energy is a cocaine “crash” including depression, dullness, intense anger, and paranoia. Contaminated equipment used to inject cocaine can cause AIDS, hepatitis, and other diseases. Tolerance develops rapidly, and psychological and physical dependency can occur.

Crack or “rock” is extremely addictive and produces the most intense cocaine high. The use of cocaine can cause kidney damage, heart attacks, seizures, and strokes due to high blood pressure. Death can occur by cardiac arrest or respiratory failure.

STIMULANTS: Amphetamines and other stimulants include “ecstasy” and “ice.” The physical effects produced are elevated heart and respiratory rates, increased blood pressure, insomnia, and loss of appetite. Sweating, headaches, blurred vision, dizziness, and anxiety may also result from use. High dosage can cause rapid or irregular heartbeat, tremors, loss of motor skills, and even physical collapse. Long-term use of higher doses can produce amphetamine psychosis, which includes hallucinations, delusions, and paranoia.

DEPRESSANTS: Barbiturates and benzodiazepines are two of the most commonly used groups of these drugs. Barbiturates include phenobarbital, seconal, and amytal. Benzodiazepines include ativan, dalmane, librium, xanax, valium, halcyon, and restoril. These drugs are frequently used for medical purposes to relieve anxiety and to induce sleep. Physical and psychological dependence can occur if the drugs are used for longer periods of time at higher doses. Benzodiazepine use can cause slurred speech, disorientation, and lack of coordination. If taken with alcohol, abuse can lead to coma and possible death.

NARCOTICS: Narcotics include heroin, methadone, morphine, codeine, and opium. After an initial feeling of euphoria, usage causes drowsiness, nausea, and vomiting. Effects of overdose include slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Physical and psychological dependence is high and severe withdrawal symptoms include watery eyes, runny nose, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating. Use of contaminated syringes may cause AIDS and hepatitis.

Laws Regarding Alcohol

Virginia laws concerning the purchase, possession, consumption, sale, and storage of alcoholic beverages include the following:

UNDERAGE POSSESSION: Individuals must be at least 21 years of age to purchase, possess, and/or consume alcohol. It is illegal to purchase for, give, or sell alcoholic beverages to persons who are under age 21 and/or intoxicated. Penalties for violations include fines of up to \$2,500, loss of Virginia driver's license for up to one year, and possible jail time.

PUBLIC CONSUMPTION: Virginia laws prohibit both possession of open containers of alcohol in public and the consumption of alcohol in unlicensed public places. This prohibition applies to alcohol in any form or container, including but not limited to bottles, cans, cups, and sports bottles. Penalties for violations include fines of no more than \$250.

PUBLIC DRUNKENNESS: Public drunkenness or disorderly conduct of any kind may result in possible penalties of a fine of not more than \$2,500 and up to one year in jail. Disorderly conduct includes but is not limited to cursing profanely in public.

FALSE IDENTIFICATION: Virginia laws prohibit possession, use, sale, and/or manufacture of false identification cards. Possession of a false driver's license or the fraudulent/deceptive use of a driver's license to purchase alcohol can result in fines of up to \$1,000, imprisonment for a period not to exceed one year, and loss of driver's license for one year.

SALE OF ALCOHOL: Sale of an alcoholic beverage requires a license from the Virginia Department of Alcoholic Beverage Control (ABC). It is illegal to purchase for, give, or sell alcoholic beverages to persons who are under age 21 and/or intoxicated. Possible penalties for violations include fines of no more than \$2,500 and up to one year in jail.

DRIVING UNDER THE INFLUENCE: A driver under the age of 21 is legally considered to be driving under the influence of alcohol if his/her blood alcohol content is .02 percent or higher. Punishment for underage drinking and driving includes the loss of one's license for one year and a mandatory minimum fine of \$500 or fifty hours of community service.

Virginia law presumes a driver age 21 or older to be under the influence of alcohol if his/her blood alcohol content is .08 percent or greater. However, if impairment occurs before that level is reached and with additional evidence, a driver whose blood alcohol content is below .08 may be convicted of driving under the influence. In addition, it is unlawful for any person to drive under the influence of drugs or a combination of drugs and/or alcohol sufficient to impair the ability to drive safely. Virginia's implied consent law provides for license revocation for those who refuse to take a blood or breath test.

Penalties for driving under the influence of alcohol in Virginia include:

- mandatory minimum fine of \$250 for all first offenses (\$500 if under age 21);
- mandatory confinement for five days if the offender's blood alcohol content (BAC) is 0.15% and for ten days if the BAC is 0.20%. (Longer confinement terms apply to subsequent offenses.);
- ignition interlock as a condition of a restricted license for any offense in which the offender's BAC is 0.15% or higher; and
- if convicted of a DUI while transporting a person 17 years old or younger, an additional minimum fine of \$500 - \$1,000 and a mandatory jail term of five days apply.

Neither presence on campus nor residence in College housing shields a student from obligation to adhere to alcohol laws and College alcohol policies.

Laws Regarding Controlled Substances

Both the federal Controlled Substances Act and the Virginia Drug Control Act penalize the unlawful manufacturing, distribution, use, and possession of controlled substances. The penalties vary based on the type of drug involved, amount possessed, and whether or not there was an intent to distribute. Federal law sets penalties for first offenses ranging from one year to life imprisonment and/or \$100,000 to \$4 million in fines. Penalties may include forfeiture of property, including vehicles used to possess, transport, or conceal a controlled substance or denial of Federal benefits such as student loans and professional licenses (e.g., nursing license, teaching license, admission to the legal bar). Convictions under state law may be misdemeanor or felony crimes with sanctions ranging from six months to life imprisonment and/or \$250 to \$100,000 fines.

Federal law provides that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance, on or within 1,000 feet of an educational facility is subject to a doubling of the applicable maximum punishments and fines. A similar state law carries sanctions of up to five years imprisonment and up to \$100,000 in fines for similar violations.

Additionally, if an individual distributes a controlled substance to a person with the intent to commit a crime of violence, the Drug-Induced Rape Prevention and Punishment Act of 1996 provides criminal penalties of up to twenty years imprisonment. An example of such behavior is giving rohypnol ("date rape drug") to a person for the purpose of committing rape.

Penalties vary widely, depending both on whether distribution or intent to distribute is found and depending on the scheduled "class" of the drug involved. The five schedule classes of drugs are:

70 ALCOHOL and OTHER DRUGS

CLASS	DESCRIPTION	COMMON EXAMPLES
Schedule I	High potential for abuse. No currently accepted legitimate medical use for treatment.	Heroin, Ecstasy (MDMA), LSD, GHB. Marijuana and synthetic marijuana are also considered Schedule 1, but penalties are separate and not as severe.
Schedule II	High potential for abuse. Some highly restricted medical uses.	Methamphetamine (crystal meth) and other stimulants. Morphine, PCP, cocaine, methadone, Ritalin
Schedule III	Potential for abuse less than Schedule I or II. Does have legitimate medical uses.	Anabolic steroids, codeine, and hydrocodone (Vicodin, Lorcet, Dolacet and others) with aspirin or Tylenol, Special K (Ketamine), some barbiturates and other depressants
Schedule IV	Low potential for abuse compared to Schedules I-III. Does have legitimate medical uses.	Many prescription drugs such as Darvon, Talwin, Equanil, Valium (diazepam), Rohypnol, and Xanax, as well as other tranquilizers
Schedule V	Low potential for abuse compared to other drug schedules.	Codeine-based cough medicines

Specific penalties under Virginia law for marijuana convictions (including synthetic marijuana) include:

Possession (under ½ ounce for personal use)

- Up to 30 days in jail and/or a fine up to \$500
- For a second or subsequent violation – up to one year in jail and/or a fine up to \$2,500

Possession with intent to sell or distribute (based on weight)

- Up to one year in jail and/or a fine up to \$2,500 for amounts up to ½ ounce
- From 1 to 10 years in jail and/or a fine up to \$2,500 for amounts more than ½ ounce to up to 5 pounds
- From 5 to 30 years in jail and/or a fine up to \$2,500 for more than 5 pounds
- From 10 to 50 years in jail if someone 18 years old or older is selling to someone under 18 and three years their junior

Manufacturing (growing, producing, processing)

- From 5 to 30 years in jail and/or a fine up to \$10,000

Distribution

- From 1 to 5 years in jail and/or a fine up to \$2,500 for sales to minors
- Up to 1 year in jail and/or a fine up to \$2,500 for sales other than to minors

Alcohol and Other Drug Education, Health, and Counseling

Alcohol and drug education is provided at Lynchburg College through a variety of means. In any given year, examples might include:

- materials and/or presentations in College introductory programs such as Welcome Week and G S 100: Freshman Success Seminar;
- inclusion with other instruction for undergraduates in HLTH 102: Life Choices for Health and Wellness and HP 300: Drugs and Behavior Management;
- presentations in residence halls;

- special presentations open to the campus community;
- short courses designed for persons with special needs or required for persons who commit certain College violations; and/or
- training for Residence Life staff, campus security personnel, and other staff as needed to assist them in the performance of assigned duties.

The Health Center nurses, physicians, and/or Counseling Center counselors provide first-line assessment and referral as necessary for students needing assistance, as well as consultation for those concerned about others (see "Student Health and Counseling Services").

Freedom and Order on the Campus

Traditionally, Lynchburg College has maintained an orderly atmosphere in which both the educational program and peaceful, non-coercive dissent are possible. Through long-standing policies and practice, the College has rejected violence as a means of promoting a point of view. Persons who violate these policies cannot be retained as members of this Lynchburg College community.

Faculty members have the responsibility and the authority to maintain order in the classroom and may ask students to leave the classroom if necessary to maintain order. Students are expected to be familiar with the Behavioral Standards for Learning Environments policy published in the undergraduate catalogue.

Both in and out of the classroom, the College expects students to dress and conduct themselves in ways that are reasonable and appropriate for this community. Particularly, it expects attention to appropriate dress and demeanor in settings such as the dining hall, the library, classrooms, and campus-wide events including plays, concerts, lectures, and chapel services. It is obligatory that, in addition to the nature of the setting and event in which one is directly participating, proximity to other settings, events, or "public" areas be considered in determining the appropriateness of dress. For example, the center circle and dell area of the campus are used daily by almost every member of the College community and also by guests.

Statement on Plagiarism

Plagiarism occurs in written work and in oral/visual presentations in which the writer presents materials as his/her own that have originated with someone else. These materials include information, data, ideas, conclusions, words, sentence structures, images, movies, sounds, and music. Inadvertently neglecting to include quotation marks or accurate documentation with these materials is plagiarism as surely as knowingly copying another person's writing and submitting it as one's own.

This definition applies to all types of sources, including print sources, sources from electronic databases, from the Internet, and from other media.

Because plagiarism presents another's work as one's own, it is unethical and dishonest and is therefore prohibited by the Lynchburg College Honor Code. It also denies one's work the benefit that comes from citing authoritative sources that lend credibility to what one is saying. Furthermore, plagiarism makes it impossible for readers to investigate the writer's sources on their own.

There are two broad categories of plagiarism:

1. First, **plagiarism of ideas** occurs when the writer presents the ideas of others as his/her own. Information, data, interpretations, and conclusions that come from a specific source must be attributed to the source even if the original language is not used. Plagiarism of ideas can easily be avoided by including documentation of the original source. Any standard citation style, such as MLA, APA, or Chicago style, is valid; the writer should use the citation style that is appropriate to the discipline in which he/she is writing.
2. Second, **plagiarism of language** occurs when the writer lifts sentences or substantive words from the source. Writers must use quotation marks or block quotations to indicate that the words in the essay are exactly the same as those in the original text, and writers must provide a citation that correctly identifies the source. It is important that the writer fulfill his/her responsibility to the original source by being precise and accurate when quoting.

Plagiarism of language can be avoided either by correctly identifying a quotation or by rewording so that the language of the original is replaced with language that is the writer's own.

Plagiarism of language can be further subdivided:

- a. **Plagiarism of words** occurs when the writer copies three or more consecutive content words (not function words, such as the, and, or is) from the original source without any quotation marks and/or formal citation. Plagiarism of words in a paraphrase can be avoided by summarizing the original text and by substituting synonyms.
- b. **Plagiarism of sentence structure** occurs when the writer substitutes synonyms for words in the original text but repeats the same sentence structure as used in the original document. Plagiarism of sentence structure in a paraphrase can be avoided by changing the grammatical structures of the original text's sentences.

Ideas in the public domain, which are considered common knowledge, can be mentioned without citation, provided that the language of the original document is not plagiarized in any way. Public domain information involves facts and ideas that every reader in a particular field would be familiar with, facts that are readily available in reference sources, and well-known sayings. When information is available on the Internet, readers should not automatically assume that it is in the public domain.

A problem related to plagiarism is the misuse of sources. When using and acknowledging sources' ideas in their essays, writers should take care not to distort or misrepresent the original text's information in any way. Direct quotations must accurately reproduce the words, spelling, and punctuation of the original. Although misrepresenting a source's information is not as serious an ethical issue as plagiarism, it is still unacceptable in college writing.

ENGL 111 and 112 provide instruction in defining, recognizing, and avoiding plagiarism.

Samples of citation styles and examples of how to acknowledge sources without plagiarizing are available through Knight-Capron Library (<http://www.lyncburg.edu/x11038.xml>) and the Writing Center (<http://www.lyncburg.edu/writingguide.xml>). All standard writing handbooks provide this information. Students with questions about citing sources or avoiding plagiarism in their papers should ask the instructor in the class where the paper was assigned.

Human Rights Policy

Overview

In order to maintain the integrity of the educational process and basic human dignity, Lynchburg College has established the Human Rights Policy and related procedures for dealing with complaints of human rights violations. The policy recognizes that our society's changing perspectives on what constitutes inappropriate interpersonal behavior require that we alter the way we interact with each other. The policy provides this community with one means of confronting inappropriate or undesirable behavior. The goal is to change inappropriate behavior and, except in those cases for which the behavior cannot be tolerated, the intent is to educate and modify rather than to punish.

The College maintains several human rights advisors trained to provide confidential aid to persons who believe that their human rights have been violated. Persons who believe that they have been so victimized are encouraged to seek the assistance of one of these advisors by contacting him/her directly. The advisor will listen, offer support as appropriate, clarify and explore the options of both informal and formal resolution procedures and, when requested, aid in resolving the conflict informally. The advisor can aid in filing a formal charge of human rights violations. Reports made directly to supervisors will not be treated in the same confidential manner as those made to human rights advisors because supervisors have an institutional responsibility to take action on all allegations of prohibited behavior.

The Human Rights Policy advisors for 2011-12 are:

Raveen Taylor '14
Campus Box 9226
Phone: 301/769-4927
E-Mail: taylor_ra@students.lynchburg.edu

Jay Webb, Registrar
Hall Campus Center, 4th Floor
Phone: 434/544-8218
E-Mail: webb@lynchburg.edu

Annette Stadtherr
Coordinator of Multicultural,
ACCESS & Commuter Services
102 Hundley Hall
Phone: 434/544-8330
E-Mail: stadtherr@lynchburg.edu

James Dooley
Campus Box 0804
Phone: 434/401-7657
E-Mail: dooley_jm@students.lynchburg.edu

Dr. Leslie Hatfield
Assistant Professor of Mathematics
Hobbs Hall
Phone: 434/544-8373
E-Mail: hatfield@lynchburg.edu

Dr. Neal Sumerlin
Professor of Chemistry
Hobbs Hall
Phone: 434/544-8378
E-Mail: sumerlin@lynchburg.edu

Any member of the College community may choose to contact advisors regardless of whether the advisor is a student, faculty, or staff member.

The procedures for resolving complaints provide a means by which persons who believe that their human rights have been violated may initiate actions that will rectify the situation and permit these persons to confront the perpetrator(s) of the alleged violation. The procedures do not preclude supervisors from initiating personnel action where no formal complaint of human rights violations has been filed. In cases of alleged sexual harassment, the College in its discretion will initiate disciplinary proceedings against the alleged perpetrator where the allegations involve sexual misconduct, where physical force or intimidation is involved, where the perpetrator has allegedly engaged in multiple significant incidents of sexual harassment, or in any case where the alleged harassment is so severe, pervasive, and objectively offensive that it effectively deprives the victim(s) of access to the educational opportunities or benefits provided by the College. The College in its discretion will initiate disciplinary action in cases involving other forms of harassment in circumstances similar in severity to those just described. The nature of the resolution process will depend upon whether the respondent is faculty, student, or staff. This policy in no way interferes with an individual's right to resolve a conflict through other forms of legal action.

Human Rights Policy Statement

Lynchburg College affirms its commitment to maintain for all employees and students an environment that is fair, humane, and respectful. Behavior that is contrary to such an environment will not be tolerated. This behavior includes harassment, including sexual harassment, as well as discrimination based on race, religion, gender, disability, national origin, age, or sexual orientation. Some of these acts are prohibited by both federal and state criminal and anti-discrimination laws, including Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964 as amended, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Virginia Human Rights Act. Lynchburg College also prohibits and will not tolerate such behavior of any member of the community toward another member. Any person accepting admission to or employment at Lynchburg College agrees to abide by this policy. It is the responsibility of each member of the College community to conduct himself/herself in a way that maintains a working and educational environment that is free of such behavior. This responsibility in no way threatens the principles of academic freedom, which include open intellectual discussion. Exploration of controversial ideas does not constitute a violation of this policy.

Making an accusation that someone has violated one's human rights is a serious allegation and should be made only after serious consideration. Such an allegation, if false or frivolous, may cause hurt or harm and is, in itself, a violation of another's human rights. It is a violation of this policy for any member of the College community to make an intentionally false, misleading, or malicious accusation of a human rights violation. Being formally accused of having violated the rights of another does not necessarily mean that the person so accused has in fact violated this policy.

Human Rights Policy Definitions

The person who has made an accusation of a human rights violation under this policy is referred to as the “complainant.” The person who is the object of the accusation is referred to as the “respondent.”

For the purposes of this policy, prohibited behaviors are defined as follows:

1. Harassment is conduct, verbal or physical, which a reasonable member of the College community would recognize as having the following intent or effect:
 - a. significantly and unreasonably interfering with an individual's or group's educational or work performance; or
 - b. which creates a significantly and unreasonably intimidating, hostile, or offensive educational, work, or living environment.

Harassment is understood in this context to involve behavior that goes beyond simple rudeness; harassment is behavior which has the intent of creating significant discomfort and which has the effect of interfering with another's ability to live or work productively.

Examples of harassment include but are not limited to: assault and battery of any kind; overt threats, serious intimidation, or stalking behavior; repeated refusal to take “no” for an answer; obscene messages in public, on voice mail or computer; serious threats of reprisal and actual reprisal; locking up or restraining someone against their will; and public berating of others.

2. Discrimination is behavior that subjects an individual or a group of individuals to harassment or other unfair treatment on the basis of race, religion, gender, disability, national origin, age, or sexual orientation.

Examples of discrimination include but are not limited to humiliation or preferential treatment based on race, religion, gender, disability, nationality, age, or sexual orientation.

3. Sexual harassment is behavior, on or off campus, that a reasonable member of a college community considers as unwelcome sexual advances, unwelcome requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - a. For students: A student's ability to participate in or to receive benefits, services, or opportunities in the school's program is denied or limited on the basis of sex.
 - b. For employees:
 - i. An employee's submission to such conduct is made explicitly or implicitly a term or condition of the employee's work performance; or
 - ii. An employee's submission to or rejection of such conduct is used as a basis for an employment decision concerning the employee; or
 - iii. Such conduct is known or should have been known by the respondent to unreasonably interfere with an employee's work performance or to create an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include but are not limited to repeated and unwanted touching, kissing, or other unwanted sexual behaviors, especially after the behavior has been refused; taking sexual advantage of someone who is incapacitated; and sexual bribes and blackmail.

Procedures for Resolution of Human Rights Complaints

The full Human Rights Policy, including procedures for resolution of complaints, is available at <https://www.lyncburg.edu/internal/x12849.xml> and from the Lynchburg College Counseling Center.

If the alleged perpetrator is a student, a complaint may be made to Campus Safety and Security, the Title IX Coordinator, and/or the Office of the Dean of Students. A complaint is reviewed in accordance with the Honor and Student Conduct Codes and Regulations, which are detailed in *The Hornet*.

Sexual Misconduct Policy and Response Procedures

Sexual misconduct includes the following prohibited behaviors:

1. Non-consensual sexual intercourse
2. Non-consensual sexual contact
3. Sexual exploitation
4. Sexual harassment

Sexual misconduct may be committed by a male or a female on a male or a female.

Sexual Misconduct Policy Definitions

NON-CONSENSUAL SEXUAL INTERCOURSE: any sexual intercourse (anal, oral, or vaginal) with a man or woman without his/her effective consent. Intercourse includes vaginal or anal penetration by a finger, tongue, penis, or object and oral copulation.

NON-CONSENSUAL SEXUAL CONTACT: sexual touching of a man or woman without his/her effective consent. Non-consensual sexual contact may include the following forms of contact:

- Touching, either directly or through clothing, of buttocks, breasts, groin, or genitals. Non-consensual sexual touching may include touching of these body parts of another, touching another with these body parts, and making another touch these body parts on himself/herself or on another
- Attempted non-consensual intercourse

SEXUAL EXPLOITATION: taking non-consensual, unjust, or abusive sexual advantage of another for the advantage or benefit of anyone other than the one being exploited; exceeding the boundaries of consent. Sexual exploitation includes but is not limited to:

- Non-consensual video- or audio-taping of sexual activity
- Non-consensual sharing, posting, or distribution of photographs or recordings of sexual activity without all participants' consent
- Observing or permitting someone to watch sexual activity surreptitiously without all participants' consent
- Observing one who is partially or fully undressed and who has a reasonable expectation that he/she is not being observed covertly.

SEXUAL HARASSMENT: behavior that a reasonable member of a college community considers as unwelcome sexual advances, unwelcome requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a. For students: A student's ability to participate in or to receive benefits, services, or opportunities in the school's program is denied or limited, on the basis of sex.
- b. For employees:
 - i. An employee's submission to such conduct is made explicitly or implicitly a term or condition of the employee's work performance; or
 - ii. An employee's submission to or rejection of such conduct is used as a basis for an employment decision concerning the employee; or
 - iii. Such conduct is known or should have been known by the respondent to unreasonably interfere with an employee's work performance or to create an intimidating, hostile, or offensive working environment.

EFFECTIVE CONSENT: informed agreement given freely and actively and expressed in clear, mutually understandable words or actions that indicate willingness to participate in mutually agreed upon sexual activity. Silence or lack of resistance cannot, in themselves, be interpreted as consent. The initiator

76 SEXUAL MISCONDUCT POLICY

of any type of sexual activity is responsible for obtaining affirmative effective consent from the other participant(s). Consent to one type of sexual activity does not indicate consent to others; similarly, prior consent to sexual activity does not indicate consent to current sexual activity. Being under the influence of alcohol, a drug, or other substance does not negate the responsibility of the initiator of sexual activity to obtain affirmative effective consent from the other participant(s).

Consent is NOT effective if it results from:

- Coercion
- Force
- Incapacity
- Intimidation
- Threat

Consent to sexual activity may be withdrawn at any time through clear, mutually understandable words or actions; at the time that consent is withdrawn, all sexual activity must cease.

COERCION: exists when the initiator of sexual activity engages in an unreasonable amount of pressure that directly results in the object of the pressure engaging in unwanted sexual activity. Unreasonableness is judged by considering the intensity, frequency, duration, and isolating nature of the pressuring behavior.

INCAPACITY: a person is mentally or physically incapacitated when he/she lacks conscious knowledge of the sexual activity and/or cannot comprehend the nature or extent of the activity. A person can be incapacitated due to: the effects of alcohol, a drug, or other substance; sleep; temporary or permanent mental impairment; youth. One may not engage in sexual activity with another who one knows or reasonably should know to be incapacitated.

COMPLAINANT: a person who has made a report of a possible violation of the Sexual Misconduct Policy to Campus Safety and Security, the Title IX Coordinator, or the Office of the Dean of Students.

Reporting Sexual Misconduct

An individual who believes he/she is the victim of sexual misconduct (i.e., a complainant) is encouraged to report the incident in writing or orally to Campus Safety and Security, the Title IX Coordinator, or the Office of the Dean of Students; also, the complainant is encouraged to report the incident to the Lynchburg Police Department. If a complainant wants assistance in contacting local police, he/she should request such assistance from Campus Safety and Security, the Title IX Coordinator, or the Office of the Dean of Students, and such assistance will be provided.

- Campus Safety and Security, 434/544-5555 (emergency); 434/544-8100 (non-emergency); 1st floor, Hall Campus Center
- Lynchburg Police Department, 911 (emergency); 434/847-1602 (non-emergency)
- Office of the Dean of Students, 434/544-8226, 113 Hundley Hall, M-F, 8:30 a.m.-5 p.m.
- Title IX Coordinator: Dr. Debbie Driscoll; Associate Vice President for Institutional Effectiveness, Planning, and Assessment; Office of the President; 1st floor, Hall Campus Center; 434/544-8125

Sexual misconduct may be reported to the police even if the complainant does not want to pursue criminal charges. Evidence that may be needed for criminal prosecution of the offense should be preserved. Ideally, a victim of non-consensual sexual intercourse should not wash, douche, use the toilet, or change clothing prior to a medical/legal examination. Medical assistance may be sought through the Student Health Center (students only) and off campus. Use of other resources available on campus and off that may be helpful is encouraged (see "Sexual Misconduct Policy Resources").

Retaliation against a complainant for reporting possible sexual misconduct is prohibited and will be addressed as a disciplinary matter in accordance with the Honor and Student Conduct Codes. A complainant is encouraged to report retaliation immediately to Campus Safety and Security, the Title IX Coordinator, or to the Office of the Dean of Students.

Sexual Misconduct Policy Response Procedures

An individual who believes he/she is the victim of sexual misconduct may pursue any and all of the following responses:

- On-campus address, if the alleged perpetrator is a member of the Lynchburg College community;
- Pursuit of criminal charges through the local court system; and/or
- Pursuit of civil charges for monetary damage.

The College's response to a report of possible violation of the Sexual Misconduct Policy is based on multiple critical considerations, including:

- The safety of the complainant and of other campus community members;
- Medical concerns of the complainant;
- Counseling needs of both the complainant and the alleged perpetrator;
- The complainant's preferences regarding procedural options both on and off campus;
- The rights of both the complainant and the alleged perpetrator; and
- The welfare of the campus community as a whole.

When a student reports having been subjected to sexual misconduct to Campus Safety and Security, the Title IX Coordinator, or the Office of the Dean of Students, he/she is informed of available support services including medical, police, judicial, and counseling assistance offered on and off campus. If the complainant wants legal advice about criminal and/or civil charges, he/she is referred to the Office of the Commonwealth's Attorney (see "Sexual Misconduct Policy Resources").

If the complainant voluntarily requests to address reported sexual misconduct through mediation or establishment of a behavioral contract with the alleged student-perpetrator, the Office of the Dean of Students will arrange for and/or provide these remedies. If the mediation or behavioral contract is deemed by the complainant to be unsuccessful in resolving the complaint, then the complainant may subsequently seek address of the reported sexual misconduct through the student disciplinary process. (NOTE: Mediation and behavioral contract are not available for address of possible A-level sexual misconduct.)

Because Lynchburg College is concerned with the interests and welfare of both the complainant and of the campus community as a whole, the College may elect to address reported sexual misconduct on campus and/or through criminal processes off campus, even if the complainant elects not to pursue these options.

Upon receipt of a report of possible sexual misconduct, the College may take interim action in efforts to prevent sexual misconduct and/or in efforts to remedy effects of the reported sexual misconduct; such interim action may impact the alleged perpetrator prior to completion of disciplinary proceedings. Upon request, the College will change academic schedules and living arrangements for a student-complainant, when reasonably available. Options could include re-assignment to a different section of a course and/or to another on-campus residential facility. The College will endeavor to identify additional options to respond to the complainant's specific request and circumstances.

SEXUAL MISCONDUCT POLICY DISCIPLINARY PROCEDURES

Student Conduct Code policies prohibiting sexual misconduct and sexual harassment appear at both the A- and B-levels. Review of possible violations of the Sexual Misconduct Policy is conducted in accordance with disciplinary procedures outlined in the Honor and Student Conduct Codes and Regulations (see "Disciplinary Procedures"). Interim action may be taken after receipt of a report of possible sexual misconduct and prior to completion of disciplinary proceedings (see "Sanctions"). The Office of the Dean of Students notifies the student-complainant in writing of the outcome of the complaint review.

If the Office of the Dean of Students determines that disciplinary action should be initiated to resolve only B-level infractions, then the violations may be resolved administratively without a hearing. When an incident is resolved administratively without a hearing, an authorized representative of the Office of the Dean of Students determines charges and sanctions.

If the Office of the Dean of Students determines that disciplinary action should be initiated to resolve a possible A-level infraction, a hearing is conducted by the Administrative Board. A judicial board hearing may also be conducted to resolve repeated or accumulating B-level infractions.

SEXUAL MISCONDUCT POLICY HEARING PROCEDURES

If the Office of the Dean of Students determines that a charge of possible sexual misconduct will be resolved through an Administrative Board hearing, the Office offers to assist both the complainant and the charged student in finding an appropriate hearing advisor (current Lynchburg College student, faculty, or staff member only) who may accompany the student to investigation, hearing, and appeal proceedings.

All judicial board hearings addressing possible violations of the Sexual Misconduct Policy (SMP) are conducted by the Administrative Board. The complainant may participate in the hearing regardless of whether he/she is a current Lynchburg College student, faculty, or staff member. All other participants in the hearing must be current Lynchburg College students, faculty, or staff members. All hearings addressing possible violations of the SMP are closed to observers; only hearing participants may enter the hearing room. Both the complainant and the charged student may elect to be present in the hearing room during the entire hearing, except during private judicial board deliberation. During the presentation of information concerning the charge(s), other hearing participants are called into the hearing room at the appropriate times to present their information, answer questions, and then leave the hearing room.

A hearing addressing a possible violation of the Sexual Misconduct Policy is conducted according to the following outline:

- A. Call to order;
- B. Introductions;
- C. Signing of the Honesty Statement;
- D. Reading of the charge(s) to be considered;
- E. Statement by the charged student of whether he/she is not responsible or responsible for the alleged policy violation(s);
- F. Presentation of information concerning charge(s), including the following components if relevant to the hearing but not necessarily in this order:
 1. Investigation report;
 2. Information from the complainant concerning his/her account;
 3. Information from the charged student concerning his/her account;
 4. Information from witnesses;
 5. Information from character references;
 6. Questions by judicial board members; and/or
 7. Questions suggested by the charged student or by the complainant;
- G. Summary comments by complainant and charged student, if he/she elects to make them;
- H. Break for private judicial board deliberation. If the board determines that the charged student is responsible for one or more infractions, the board then also determines appropriate sanctions;
- I. Oral presentation of the board's decision(s) to the charged student, who may elect to attend; and
- J. Oral presentation of the board's decision(s) to the complainant, who may elect to attend.

If the charged student or the complainant fails to attend the hearing after being provided with adequate notice, the hearing will proceed in the student's absence and a decision will be made by the judicial board.

RIGHTS OF A CHARGED STUDENT

Specific privileges are extended to a student who has been notified that his/her conduct is being investigated before a possible judicial board hearing or who has been charged with an alleged violation that will be resolved through a judicial board hearing. These privileges are listed in *The Hornet* as "Rights of a Charged Student," a subsection of "Disciplinary Procedures."

RIGHTS OF A COMPLAINANT

The following privileges are extended to a student who has filed a complaint of a possible Sexual Misconduct Policy (SMP) violation that is being addressed by the Office of the Dean of Students:

1. The right not to comment on or provide information about a possible infraction. If a student elects to provide information about an incident, he/she is expected to provide honest, accurate, and complete information. Providing information that is false, incomplete, or misleading may result in disciplinary action;

2. The right to be advised in writing of the outcome of the complaint review;
3. The right to submit one written appeal of the outcome of the complaint review (see "Sexual Misconduct Policy Appeal Procedures").

The following additional privileges are extended to a student whose complaint of possible sexual misconduct is being investigated before a possible Administrative Board hearing or has resulted in charges of possible SMP violation(s) that will be resolved through an Administrative Board hearing:

1. The right to identify a member of the campus community (current Lynchburg College student, faculty, or staff member only) to serve as a hearing advisor and to be accompanied by an advisor at investigation, hearing, and appeal proceedings. During a hearing, an advisor may accompany the complainant in the hearing room whenever the complainant is present and counsel the complainant; however, an advisor may not participate actively in the hearing;
2. The right to present information orally or in writing during the hearing;
3. The right to request that the Office of the Dean of Students call to a hearing witnesses (current Lynchburg College students, faculty, or staff members only) who have first-hand knowledge of the alleged infraction, without guarantee that the request will be granted;
4. The right to provide information to the hearing panel from one character reference (current Lynchburg College student, faculty, or staff member only) either by inviting the character reference to speak during the hearing or by submitting a written statement from the character reference during the hearing;
5. The right to suggest relevant questions for the hearing panel to direct to witnesses and/or the charged student. The hearing panel decides whether to ask the questions, which may include rephrasing;
6. The right to be advised in writing of the outcome of the complaint review;
7. The right to submit a written appeal of the Administrative Board decision(s) (see "Sexual Misconduct Policy Appeal Procedures").

Letters regarding a scheduled hearing and the results of a complaint review sent to a student-complainant's local address listed in College records constitutes full and adequate notice. For full-time undergraduate students, one's local address is one's campus mailbox number or College e-mail address. Failure of a complainant to provide an address change or forwarding address, or failure or refusal to pick up or accept letters, does not remove the student's obligation to adhere to any instructions or deadlines issued in the letters or constitute a procedural error for which the student-complainant may be granted a hearing appeal.

Sexual Misconduct Policy Sanctions

Student Conduct Code policies prohibiting sexual misconduct appear at both the A- and B-levels. Sexual misconduct violations are subject to the full range of sanctions described in the Lynchburg College Honor and Student Conduct Codes and Regulations (see "Sanctions"). Prior harassment and/or sexual misconduct-related violations of the Student Conduct Code are always taken into consideration when sanctioning similar subsequent violations, regardless of the time between such violations.

Suspension from Lynchburg College is the standard sanction for an A-level violation of the Sexual Misconduct Policy; expulsion is issued in more serious cases.

Any student seeking readmission to Lynchburg College after suspension for an A-level Sexual Misconduct Policy violation must complete the following prior to submitting a readmission application:

1. Counseling or other structured educational program to develop a clear understanding of sexual harassment, sexual misconduct, and appropriate interpersonal conduct
2. A research paper on sexual harassment and sexual misconduct

Any student re-enrolled after suspension for an A-level Sexual Misconduct Policy violation must complete the following:

1. Refrain from having any in-person, written, or electronic communication (i.e., no contact) with the complainant, including not visiting in the residence of the complainant throughout the re-enrolled student's tenure;

2. Change class schedule when necessary to ensure that the re-enrolled student does not attend classes with the complainant;
3. Adjust on-campus living location when necessary to ensure that the re-enrolled student does not reside in the same building or same type of Southside housing (e.g., College house, townhouse, apartment, or Court) as the complainant. (NOTE: If the complainant moves into a building or type of Southside housing in which the re-enrolled student already resides, then the re-enrolled student does not have to move.);
4. Complete up to fifty hours of community service in the first semester of return; and
5. Remain on limited probation regarding Sexual Misconduct Policy violations throughout tenure at Lynchburg College;

A re-enrolled student who does not comply with the conditions set forth above may be expelled from Lynchburg College.

Sexual Misconduct Policy Appeal Procedures

Regardless of whether alleged sexual misconduct is resolved through an administrative handling or through an Administrative Board hearing, both the charged student and the complainant have the option of submitting one written appeal request, as detailed below. Typically, the charged student and the complainant are not afforded a meeting with the person resolving the appeal request(s). Regardless of the outcome of the appeal request(s), both the charged student and the complainant are notified in writing of the appeal outcome. Appeal outcome decisions are final decisions in the disciplinary process; additional appeal is not available through the Honor and Student Conduct Codes and Regulations.

An appeal request concerning charges and/or sanctions stemming from B-level violations of the Sexual Misconduct Policy resolved administratively without a hearing may be made by the charged student and/or by the complainant on the ground of incorrect determination of responsibility and/or on the ground of sanction(s) disproportionate to the severity of the violation. An appeal request of an administrative handling must be made in writing by the specified deadline to the vice president and dean for student development or his designee.

An appeal request concerning the outcome of an Administrative Board hearing addressing alleged sexual misconduct may be made by the charged student and/or by the complainant on one or more of the following grounds:

- i. new information not available at the time of the hearing that likely would significantly alter the hearing panel's understanding of the case;
- ii. sanction(s) disproportionate to the severity of the violation; and/or
- iii. incorrect procedure that substantially impacted the fairness of the judicial board hearing.

The appeal request may include one letter from one character reference (current Lynchburg College student, faculty, or staff member only). Appeal requests may result in decisions to uphold all original decisions made by the judicial board, to reverse or modify in any way the original decisions, or to return the case to the Administrative Board for a new hearing.

An appeal request concerning decisions rendered through an Administrative Board hearing must be submitted in writing to the Office of the Dean of Students within two class days after the hearing ended. The Office of the Dean of Students forwards the appeal request to the president of the College or his designee for resolution.

The Office of the Dean of Students will not initiate contact with either the charged student or the complainant to notify him/her that the other party submitted an appeal request. Lack of an appeal by either party will be interpreted as his/her acceptance of the original decision. After the appeal submission deadline has passed, the appropriate appeal review person will consolidate all appeals received, if any, and render a decision. Both the charged student and the complainant are notified in writing of the appeal outcome.

Sexual Misconduct Policy Resources

Resources that may be helpful to those seeking assistance with issues related to sexual misconduct include:

LYNCHBURG COLLEGE RESOURCES

- Campus Safety and Security, 434/544-5555 (emergency) or 434/544-8100 (non-emergency)
- Counseling Center, located on the terrace level of Hundley Hall, 434/544-8616
- Health Center, located on the terrace level of Hundley Hall, 434/544-8357
- Chaplain's Office, located at 500 Brevard Street, 434/544-8348
- LC Emergency Medical Services, contacted through LC Safety and Security, 434/544-5555 (emergency) or 434/544-8100 (non-emergency)
- Title IX Coordinator: Dr. Debbie Driscoll; Associate Vice President for Institutional Effectiveness, Planning, and Assessment; Office of the President; 1st floor, Hall Campus Center; 434/544-8125
- Office of the Dean of Students, 113 Hundley Hall, 434/544-8226

OFF-CAMPUS RESOURCES

- Lynchburg Police Department, 911 (off-campus emergencies) or 434/847-1602 (non-emergencies). For on-campus emergencies, dial 434/544-5555 for LC security.
- Sexual Assault Response Program (24-hour hot line, escort and advocacy assistance, counseling and support group, referral to other local services, and prevention education), 434/947-RAPE (947-7273)
- Crisis Line, 434/947-HELP (4357)
- Lynchburg General Hospital Emergency Department (emergency medical treatment, completion of rape evidence kits, and emergency mental health assistance), 1901 Tate Springs Road, 434/947-5000
- Office of the Commonwealth's Attorney, 901 Church Street, Lynchburg, VA 24505
434/544-3760
Victim/Witness Program: 434/5455-3790
- Office for Civil Rights (OCR), 400 Maryland Avenue SW, Washington, DC 20202
Customer Service Hotline: 800/421-3481
Facsimile: 202/453-6012
Email: ocr@ed.gov
web: <http://www.ed.gov/ocr>

Posting Policy

Due to limited spaces, posting on campus is permitted only for Lynchburg College clubs and academic/administrative offices and programs, with the exception of the Community Board in Burton Student Center (see "Community Board Posting").

The Student Life Policies Committee designated the Office of Student Activities as monitor of the Posting Policy. All posters, flyers, banners, signs, etc., except those produced by an academic/administrative office or program, must comply with student codes and be stamped by the Office of Student Activities before being posted on campus. All such signs posted on campus that are not approved and stamped are subject to removal.

General Campus Posting Guidelines

- A. The original flyer must be approved by the Office of Student Activities before copies are made. (Events sponsored by academic/administrative offices or programs do not need to be approved if the sponsoring office's letterhead or logo is clearly visible on the flyer.)
- B. Flyers may be posted up to two weeks (14 days) before the event. Banners may be hung no longer than one week before and one day after the advertised event (see "Banner Guidelines").
- C. One flyer per event is permitted in each location (bulletin board, kiosk, or Hopwood columns).
- D. Posters for any event where alcohol is present must be in accordance with both ABC and College alcohol policies (see "Student Conduct Code" and "Alcohol and Other Drugs").

82 POSTING POLICY

- E. Sponsors, organizations, and/or departments must remove posters after the event.
- F. Use only masking tape, thumbtacks, or staples to post.
- G. Sidewalk chalk is allowed only on concrete sidewalks. Do not use on brick, slate, or blue stone.

Posting Privilege

- A. Allowed to post on campus:
 - Lynchburg College students, faculty, staff, and recognized student organizations with approved stamp.
 - Outside and off-campus organizations or businesses sponsored by a College office or recognized organization.
- B. Not allowed to post on campus:
 - LC student organizations that have lost posting privileges by the Student Government Association or the Office of Student Activities.
 - Outside or off-campus individuals, organizations, or businesses not sponsored by a College office or recognized organization, except on the Community Board in Burton Student Center (see "Community Board Posting").

Posting Guidelines

- A. Posting is permitted on:
 - Carpeted walls outside the Westover Room
 - Kiosks
- B. Posting is **NOT** permitted on:
 - Outside and inside surfaces of exterior doors
 - Any glass surface
 - Any painted surface, except interiors of residence halls (see "Special Posting Guidelines for the Interior of Residence Halls")
 - Inside elevators and elevator doors
 - Stairwells, fire doors, or windows
 - Wayfinding signs
 - Vending machines
 - Any trees, benches, light posts, exterior building walls, or other surfaces not mentioned above
- C. Special posting guidelines for the interior of residence halls
 - Posting of flyers in the residence halls is coordinated through the Office of Residence Life. Contact the office at 434/544-8320 for details.
 - Use bulletin boards where available.
 - Only masking tape may be used for posting on wall surfaces.
 - Glass partition walls in McWane Hall lounges are preferred locations for posting flyers.

Banner Guidelines

- A. All banners must be approved by the Office of Students Activities and may not exceed 3' x 6'.
- B. Banners may be hung no more than one week before and one day after the advertised event.
- C. Banners may be hung in the following locations:
 - Hundley Hall balcony
 - Hall Campus Center balcony
 - Burton Student Center first floor exterior landing
 - Carpeted walls outside the Westover Room
 - Exterior of residence halls (from window to window) to be coordinated with the Office of Residence Life. Banners must be approved by the Office of Student Activities. Banners or other items hung on the outside of residence halls must also be approved by the Office of Residence Life.
- D. Sponsors should monitor the condition of their banners and remove unreadable banners.

Failure to Comply with the Posting Policy

Organizations in violation of the Posting Policy will be notified in writing by the Office of Student Activities within seven working days of the violation and may be assessed charges for clean-up and/or damages. Additionally, the organization's advisor will be notified of the violation. All appeals must be submitted in

writing within two days to the Office of the Dean of Students. The Student Judicial Board chairpersons will review all appeals. Repeated violations of this policy will result in the loss of posting privileges.

STANDARD DISCIPLINARY SANCTIONS: All organizations found to be in violation of the Posting Policy will be subject to any or all of the following sanctions:

- Warning
- Cleaning or damage charges to be determined in accordance with violation
- Community service hours
- Replacement of damaged areas
- Loss of organizational posting privilege
- Others, as deemed necessary

In addition to these sanctions, organizations or individual organization members may be issued disciplinary charges in accordance with the Honor and Student Conduct Codes and Regulations.

Community Board Posting

POSTING PRIVILEGE: Lynchburg College students, faculty, staff, local businesses, and community members are permitted to post on the campus community board, located in Burton Student Center.

COMMUNITY POSTING GUIDELINES:

- Community posting is permitted only on the bulletin board marked "Community Board" located on the first floor of Burton Student Center across from the Post Office. Community posting is not permitted elsewhere on campus.
- The flyer/ad must be approved and stamped by the Office of Student Activities before being posted on the Community Board.
- Only one copy (8 ½" x 11" or smaller) of a given flyer/ad may be posted on the designed Community Board. Only masking tape, thumbtacks, and staples may be used to post.
- A flyer/ad may be posted up to two weeks (fourteen days) and will be removed at the end of this period by the Office of Student Activities.
- Advertising of alcohol, drinking contests, or off-campus parties is not permitted.

FAILURE TO COMPLY WITH COMMUNITY POSTING GUIDELINES: Individuals/businesses in violation of the Lynchburg College Posting Policy will be notified in writing by the Office of Student Activities within seven working days of the violation and may be assessed cleanup and/or damage charges. Violations of the Posting Policy will result in the loss of posting privileges. Additionally, the College reserves the right to intervene and, if necessary, to cancel a program, activity, and/or process if it is found to be in violation of stated policies or procedures or is in conflict with the mission of Lynchburg College.

Debts

Bad checks and unmet financial obligations do not promote good standing in the community and are disapproved by the College. Students owing money or property to the College or to agencies of the College may be prohibited from graduating, receiving grades, or receiving transcripts until arrangements are made for the payment of such debts.

Technology Acceptable Use Policy

I. Introduction

The Lynchburg College computing and electronic communication facilities and services are owned by the College and are primarily intended for teaching, educational, research, and administrative purposes. Access to these facilities is a privilege granted to the College's faculty, staff, students, and guests of the College. Fundamental to the use of these facilities is the respect for the rights and privacy of all users. By using the College's computing and electronic communications facilities and services, College faculty, staff, students, and guests agree that they will comply with this policy and will cooperate with the College in implementing this policy.

Certain responsibilities and possible liabilities accompany this privilege, and understanding them is important for all computer users. This policy strives to balance the user's ability to benefit from these computing resources and the College's responsibility to maintain the computing and electronic communications facilities and to assure that its institutional policies are in compliance.

Lynchburg College reserves the right, at all times, to suspend or revoke the privilege of system access if a user's system activity threatens to overload the system network, threatens the security or integrity of the College, threatens the computer system, or if the user has violated institutional policies or committed a violation of law through the use of these facilities.

II. Guidelines for Responsible Use

A. In General

Some constraints are necessary for the efficient and appropriate use of shared computer resources. Since network capacity is limited, academic and administrative needs must take precedence for use of the network. All users must act responsibly and use the facilities in an ethical, professional, and legal manner. This means that users agree to abide by the following standards of responsible use:

- The integrity of all systems must be respected and not intentionally abused.
- The privacy of users must be respected.
- Users must recognize that certain data are confidential and must limit access to such data for use in direct performance of their duties.
- Users shall become familiar with and abide by the guidelines for appropriate usage for the systems and networks that they access.
- No one—faculty, staff, or student—shall obtain or provide unauthorized access to one's own or other users' accounts and files. Users shall keep their own access ID(s) confidential.
- The use of all accounts for research, instruction, or administrative purposes must be consistent with the College's mission.
- All users must respect the rights of others to remain free from harassment.

B. Network Registration

Network registration is required for all computers connecting to the College network in College residential facilities, wireless access areas, and public areas with network access. Such registration is necessary to ensure network security and to prevent the spread of viruses, Trojan horses, and spyware on the College network.

Once physically connected to the network, a student and anyone using wireless access must open a Web browser. The user will be directed to a College network registration page requiring log-in with the username and password. By responding affirmatively to a series of prompts, the user's computer will be scanned for Windows updates and the latest virus updates. Persons with computers that are not up to date will be allowed to access only specific sites for updates. Limited network access will remain in effect until the computer is updated. Computers that have updated Windows and anti-virus software will gain access to the College network.

Authentication by the network registration software will be required on a regular basis.

C. Personal Use and Use by Third Parties

Students, faculty, and staff have the privilege of reasonable use of the College's computing and electronic communications facilities and services for personal activities related to teaching, scholarship, research, professional development, and public service, as well as other incidental personal use, so long as such use does not interfere with the College's operation of these facilities and services or with the user's employment or other obligations to the College. Use of the facilities and services for commercial purposes not under the auspices of the College is not permitted.

The use of College facilities and services by individuals who and organizations that are not part of the College community is not permitted unless approved by the president, vice president and dean for academic affairs, or vice president for business and finance. Such approval will generally

be granted only when the use is in connection with:

- a College-sponsored event or activity;
- a public service activity for which comparable equipment is not otherwise reasonably available to the user;
- use by a guest of the College for an otherwise appropriate use; and/or
- a contractual agreement between the College and a governmental agency, private business, educational institution, or other entity.

D. Plagiarism and Protection of Intellectual Rights

The Lynchburg College Honor Code regarding plagiarism and other violations of academic integrity applies to coursework completed with use of the computer just as it does to other coursework.

The College endorses the following statement on software and intellectual rights:

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to work of all authors and publishers in all media. It encompasses respect for the right to acknowledgement, right to privacy, and right to determine the form, manner, and terms of publication and distribution. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access and trade secret and copyright violations may be grounds for sanctions against members of the academic community. (Educause and ADAPSO)

III. Examples of Misuse

As a guideline for users, technology facilities/resources abuse consists of but is not limited to the following:

- attacking the security of systems
- unauthorized use of computer accounts, access codes, passwords, pin numbers, or network identification numbers assigned to others
- modifying or destroying College data, data of other users, or networks
- forging, fraudulently altering, or willfully falsifying electronic mail headers
- disruption or unauthorized monitoring of electronic communications
- sending email that will intimidate or harass other users
- posting messages that are threatening to others
- intentionally propagating computer worms or viruses
- distributing chain letters
- electronically using, distributing, or posting copyrighted material in violation of license or other legal restrictions or contractual agreements (see "Sharing Music, Movies, and Software over the Lynchburg College Network" at <http://lonline.lyncburg.edu/filessharing.html>)
- failure to return College-owned software and other electronically stored College-owned materials upon termination from the College
- hoarding, damaging, or otherwise interfering with electronically accessible academic resources
- intentional, unauthorized, disproportionate use of technology resources resulting in slowdowns or crashes
- using campus technology facilities for personal/commercial gain or profit
- personal use of technology facilities in violation of Part II B of this policy
- intentional damage or physical destruction of technology equipment or facilities
- use of the technology in a manner that violates state or federal law

IV. Privacy, Enforcement, and Sanctions

A. Privacy of Users

While not legally required to do so, the College respects the privacy of the users of its computing and electronic communications facilities. While the College's intent is to respect privacy, users should not expect complete privacy of electronic files. Users must be aware that the security of

electronic files on shared systems is not inviolable. Except when legally required to do otherwise, private information obtained unintentionally will be treated confidentially.

B. Investigation of Violations and Revocation of Access

Monitoring users' accounts or conducting spot checks of users' activities is prohibited except as set forth below. Computer programs, electronic mail, voice mail, phone logs, network traffic logs, website cache, and electronic files can be accessed by ITR personnel and other College personnel to whom such authority has been delegated to investigate suspected violations of this policy or other College policy and rules to investigate possible disruption to the network or other shared services, to monitor the volume of system activity and to track work flow, to restore system integrity in the event of a crash, to restore or protect the security of the system, and to cooperate with law enforcement officials. The president of the College, who can delegate this authority to the appropriate College administrators as listed below, must ordinarily authorize such access:

- Vice President and Dean for Academic Affairs (faculty)
- Associate Vice President for Information Technology and Resources
- Vice President for Business and Finance (staff)
- Vice President and Dean for Student Development (students)

The officials listed above have authority, based on the results of an authorized investigation, immediately to revoke or limit a user's access to College computing and electronic communication facilities and services.

In emergency cases, such as an occurrence of threatened system integrity and when the appropriate administrator is not available, access to systems as cited above may be authorized by any of the administrators listed above. If none of those officials is available, designated ITR personnel have the authority to lock or search accounts or log sessions. Any emergency entry will be recorded in writing and forwarded to the appropriate College authority and its appropriateness reviewed after the fact. Where a user's electronic files or other electronic material listed above is accessed by the College as part of an investigation into a suspected violation of this policy or other College policy or rules, the College will notify the individual of this access within five business days. This notice requirement shall not apply where the notice would, in the judgment of the College, interfere with an ongoing law enforcement investigation.

C. Sanctions for Misuse and Reporting Misuse

If abuse of Lynchburg College computing facilities occurs from campus or via modem or network access, persons responsible for such abuse will be held accountable and may be subject to disciplinary action. Moreover, individuals or groups who take actions that may have legal implications are subject to further sanctions by relevant law enforcement authorities.

Abuses of computer resources are direct violations of the College's standards of conduct as outlined in faculty, staff, and student handbooks. Alleged violations of this policy will be processed according to the procedures outlined in these handbooks. Also, unauthorized downloading and file-sharing of copyrighted materials, such as music and movies, by students is addressed through a three-tier response system detailed at <http://www.lyncburg.edu/copyrightcomplaints.xml>.

Users are expected to cooperate with authorized investigations of technical problems or use of technology facilities that may be unauthorized, illegal, or in violation of this policy. Except as noted in Section IV.B above, an explanation of any revocation of access will be provided to the user, and an appeal may be made following existing appeal procedures.

Any user who is the victim of harassment or other abuse involving the College's computing or electronic communication facilities or any user who becomes aware of a violation of this policy should report the possible abuse or violation to his/her supervisor or to the appropriate administrator listed above. Such reports will be handled in accordance with the College's Human Rights Policy, and where appropriate, the College will inform the user of the right to file a complaint under that policy.

On-Campus Solicitation

In general, the College prohibits the sale and/or solicitation of goods or services on College property except as provided by or specifically permitted by the College. This regulation applies to Lynchburg College students and paid representatives of firms. Variance from this regulation requires written approval of the Office of Student Activities. Approval may be granted on a limited basis in a few specific cases:

1. Organizations affiliated with the College may be granted permission to sell products or services provided assurances are made that the privacy of students, particularly in residential rooms and study areas, is not violated. Organizations wishing to conduct fundraisers should gain permission from the Office of Student Activities about the desired event schedule to avoid conflict with previously scheduled fundraisers. Multiple fundraisers may not be held at the same place and time.
2. Outside salespersons or their student representatives may keep sales appointments in residential areas if they have the written permission of the Office of Student Activities and have a specific appointment with a resident. The written permission must be presented to the director of residence life.

The College does not provide lists of student names for sales, campaigns, or solicitations.

Vending machine contracts are arranged and executed by the Business Office, which must give its specific approval before any such machine may be placed on campus.

Pets on Campus

Pets are not permitted inside College buildings (including all residential facilities) at any time. Students living in College housing may have only fish as pets in their assigned rooms (see "Pets" in "Residence Life Policies"). Any pet brought into outdoor areas of campus must be on a leash.

Searches

Although the College does not wish to intervene unnecessarily in students' private lives, it has the right and responsibility to maintain compliance with its regulations.

A College residence is not a private living place over which the College has no jurisdiction; rather it is a place provided by the College for students to carry on their personal lives in ways that do not put members of the campus community in jeopardy, that do not violate policies outlined in *The Hornet*, and that do not break laws. Thus, College policies allow for room searches when specific policy violations are suspected. Other similar areas for personal use by students may also be searched, including but not limited to lockers and vehicles brought onto campus.

Student Health or Safety Emergencies

Lynchburg College is concerned about the physical well-being and safety of its students. Students found in an incoherent or unconscious state may be transported to the nearest emergency facility for evaluation and treatment. The College reserves the right to inform a student's parents (or legal guardian) of any situation in which emergency medical attention is requested for the student. The Office of the Dean of Students (or designee) also reserves the right to contact a student's parents (or legal guardian) if it is determined that a substantial likelihood exists that the student will in the near future cause serious harm to himself or others as evidenced by behavior or any other relevant information. In addition, when the College determines that a health or safety emergency exists, the College may disclose information from student educational records to law enforcement officials, public health officials, and trained medical personnel to protect the health and safety of students or others.

In situations in which conditions and/or events suggest that a student's health or safety might be at risk, the College may insist that the student seek appropriate medical evaluation and/or other treatment. The College may limit or deny the student's access to and/or movement about campus, including residential areas and classes, pending medical evaluation, treatment, and/or administrative review of the perceived health or safety risk and of related plans for removal of that risk.

Following address of an immediate risk, students who exhibited drunkenness, incoherence, or loss of consciousness may be referred to the Office of the Dean of Students for follow-up educational services, medical assessment, and/or review of related policy infractions.

Use of Roller Blades, Bicycles, and Other Recreational Equipment

The use of roller blades and bicycles is allowed at Lynchburg College. Both must be used outdoors, and users must always yield to pedestrians. Roller blades and bikes may not be used in any building or on any outside steps. An individual who engages in use of roller blades or bikes and is judged by College officials or others to be dangerous may be charged with violation of the Student Conduct Code, including "Dangerous Practice." Likewise, if any property damage occurs as a result of roller blade or bike use, the individual in violation may be charged with "Property Damage," along with other possible sanctions, and may be made to pay restitution. Depending on the severity of the misconduct, other charges may be warranted as well.

Use of wheeled recreational vehicles, other than roller blades and bicycles, is prohibited on campus. Use of skateboards, longboards, and the like is not permitted on campus at any time.

Slip 'n slides, whether purchased or made, and similar water amusements are prohibited on campus. Pools are also prohibited on campus, except as approved by the Office of Residence Life for use outside College houses.

Lynchburg College Traffic Code

I. Eligibility

- A. All non-resident (commuting) freshmen and all sophomores, juniors, seniors, and graduate students are eligible to register motor vehicles for use on campus. Registration options include a one-day permit, a temporary permit valid for two to 30 days, and an annual permit.
- B. All faculty and staff are eligible to register motor vehicles for use on campus. To add, view, or edit vehicle information, visit <https://myLC.lyncburg.edu?go=vehicles>.
- C. A resident freshman desiring "special permission" parking privileges must receive approval from the director of Campus Safety and Security. A letter of need from the student's parent or legal guardian and a confirmation letter from an employer or attending physician must accompany the request.

II. Registration

- A. All vehicles driven and parked on campus by any student, faculty, or staff member must be insured, have valid state license and inspection tags, be registered with Campus Safety and Security, and bear a valid Lynchburg College parking decal. LC decals may be obtained during fall semester check-in periods and at other times at the Information Desk, located on the first floor of Hall Campus Center.
- B. The following documents are required at the time of vehicle registration: a current state vehicle registration card, a valid operator's license, and valid proof of insurance. Registration will be delayed if any of these required items is not presented.
- C. Registration fees are:
 1. \$50 annual registration for full-time non-resident (commuting) freshmen and all sophomores, juniors, and seniors
 2. \$20 annual registration for part-time and graduate students
 3. \$10 registration for commuting, part-time, and graduate students registering a second vehicle
 4. \$20 temporary registration (2-30 days) for full-time non-resident (commuting) freshmen and all sophomores, juniors, and seniors
 5. \$250 per semester or \$500 annual registration for "special permission" parking for resident freshmen.
- D. A student may not register a vehicle owned by another student or for the use of another student. Adjudication of violations of this regulation or any other shall be left to the discretion of the appropriate judicial body.
- E. By completing vehicle registration, the vehicle owner indicates that he/she has read and understood the Lynchburg College Traffic Code. Failure to comply with the Lynchburg College Traffic Code and any posted vehicle regulations will result in issuance of a citation.
- F. **Parking decals are to be placed on the left bottom exterior corner of the vehicle's rear glass.** For vehicles such as pick-up trucks, jeeps (soft top), convertibles, and vehicles with dark-tinted windows, decals should be placed in a location visible to Campus Safety and Security officers. Most state codes prohibit application of decals to the front windshield other than state inspection or city/

county decals. Individuals concerned about proper placement of a Lynchburg College decal should contact Campus Safety and Security for advice.

- G. If a registered vehicle is sold or traded for another vehicle, the original Lynchburg College decal needs to be removed and presented at the Information Desk. The replacement vehicle will be registered and a new decal issued for a \$1 fee.
- H. Each registered vehicle owner/operator is responsible for maintaining proper insurance coverage to protect his/her vehicle from such damage as vandalism, theft, and acts of nature. Lynchburg College is not responsible for such acts that may occur while a vehicle is driven or parked on Lynchburg College property.

III. Traffic and Parking Regulations

- A. All parking areas on campus are designated for use by specific constituents; these designations are indicated by color-coded parking lines and decal type:

<u>LINE COLOR</u>	<u>PARKING DESIGNATION</u>
White	Student*/Special Event
Yellow	Faculty/Staff/Visitor/Special Event
Yellow Fire Lane	NO PARKING AT ANY TIME
Blue	Handicapped
Green	Reserved 24/7 for College Vehicles/Visitor

*Student parking designations are further specified by decal type (see parking map):

<u>DECAL TYPE</u>	<u>PARKING DESIGNATION</u>
Commuter	Student spaces in parking lots designated as "commuter" or "open" lots
Resident	Student spaces outside residence halls and academic buildings
Southside	Student spaces designated for one's assigned College house, apartment, or townhouse
Freshman	Limited 24/7 to parking in a designated "special permission lot"

- B. All faculty/staff spaces designated by yellow lines are reserved from 7 a.m. to 5 p.m. Monday through Friday. At other times (i.e., 5 p.m. to 7 a.m. Monday through Friday and throughout Saturday and Sunday), faculty/staff spaces designated by yellow lines are available for use by students (except those with freshman decals) and visitors, unless indicated otherwise (e.g., by traffic cone).
- C. If a vehicle is parked in a space other than its assigned area, the vehicle registrant will be cited for parking in an undesignated space.
- D. All campus parking spaces indicated by blue lines are reserved for individuals who have received handicapped parking privileges through their local Division of Motor Vehicles or state agency. Individuals desiring on-campus parking accommodation for a short-term, temporary handicap may request permission from Campus Safety and Security to park in faculty, staff, or student spaces as convenient. (Approval of a request does not permit parking in spaces designated in blue for handicapped drivers.) A mirror tag provided for approved short-term requests must be displayed while the vehicle is parked on campus.
- E. The College reserves the right to change or otherwise restrict parking designations and traffic patterns as conditions warrant. Parking where orange-, yellow-, or lime-colored cones have been placed or moving a traffic cone will result in a parking citation.
- F. Lack of convenient parking and lack of space in any particular area on campus do not excuse violation of the Lynchburg College Traffic Code.
- G. The campus-wide speed limit is 15 MPH, and drivers must yield to all pedestrian traffic.
- H. Failure to stop as directed by a campus security officer or other College official, failure to drive on the proper side of the gate house, and driving in a reckless manner (including speeding) will result in issuance of a citation. Also, an incident report will be written for review by the appropriate

judicial body. Adjudication of violations of the Lynchburg College Traffic Code may result in loss of privileges to use a vehicle on campus.

- I. Any student receiving an excessive number of parking citations is subject to loss of his/her on campus parking privileges.
- J. Wheel locks may be used at the discretion of the College for repeat offenses of the Lynchburg College Traffic Code. Lynchburg College is not responsible for damage resulting from installation of a wheel lock, which will not be removed until all fines are properly paid.

All vehicles will be subject to tow at the owner's expense after receipt of four citations or more. Lynchburg College is not responsible for any damage resulting from towing and/or storage of the vehicle. All towed vehicles will be held in the Bee Line Towing, Inc. impound lot located at 155 Airpark Drive, Lynchburg, Virginia 24502. Bee Line can be reached at 434/239-5386.

- K. All vehicle accidents occurring on campus property and adjacent roadways are required to be reported immediately to Campus Safety and Security. An incident report will be filed. Failure to provide accurate information regarding an accident may violate state and local laws, as well as College policies.
- L. A vehicle that becomes inoperable or disabled must be reported to Campus Safety and Security. The owner will be given a reasonable amount of time to repair or remove the vehicle from campus.

IV. Parking and Traffic Fines

A. Unauthorized parking in areas designated for fire lanes and handicapped parking results in the following fines:

- 1. Fire Lane - \$100 each offense*
- 2. Handicapped Space - \$100-\$500 each offense*

B. **All fines for parking and traffic violations listed below are \$50 per each offense:**

- 1. Unregistered vehicle
- 2. Parking in a faculty/staff space
- 3. Parking in a student space
- 4. Parking in a visitor space
- 5. Parking in a 24-hour reserved space (indicated by green lines)
- 6. Parking in a reserved space—coned off
- 7. Parking in a loading zone
- 8. Parking in an undesignated space*
- 9. Parking on the grass*
- 10. Blocking driveway/roadway*
- 11. Overtime parking*
- 12. Expired temporary tag*
- 13. Improperly displayed LC parking decal*
- 14. Reckless driving*
- 15. Speeding/exceeding the posted campus-wide speed limit (15 MPH)*
- 16. Failure to stop at a stop sign*

*Enforceable by Campus Safety and Security officers, other designated College staff, and local/state law enforcement officers

- C. All parking and traffic fines will be billed automatically to faculty, staff, and student accounts. Payments may be made at the Cashier's Office, located on the fourth floor of Hall Campus Center, during regular business hours or mailed along with the monthly bill.
- D. Anyone wishing to appeal a parking citation must obtain an appeal form from the Campus Information Desk, located on the first floor of Hall Campus Center. All appeals must be completed and returned to the Campus Information Desk within 72 hours of the date and time the citation was issued. Appeals received after 72 hours will not be considered. If a fine is reduced or dismissed upon appeal, the amount will be adjusted accordingly on the appropriate faculty, staff, or student account.