

# Bennett College

## Code of Student Conduct

2022-2023



## **Student Conduct**

By enrolling in Bennett College, a student signifies her willingness and agreement to live in accordance with the following minimal ethical standards:

- Each student shall be honest in all behavior and conduct with the College. Any form of cheating, plagiarism, falsification of records, or the deliberate giving of false information to College officials is a breach of the ethical standards of the College.
- Each student shall respect the personal rights, safety, and health of others. There will be no emotional, verbal or physical abuse of any individual at Bennett College. No student shall disrupt or disturb the study of others, nor should there be any disruption of College activities.
- Each student shall respect personal property. No student shall damage or misuse the property belonging to others, and there will be no damage or misuse of College property or facilities.
- Each student shall obey and honor specific standards of the College. Each student shall refrain from the possession, use, or distribution of any form of alcoholic beverage and/or controlled drug or substance while on the property of the College.
- Each student shall respond to administrative or faculty directives.
- Each student shall satisfy her financial obligation to the College.

Violations of ethical standards found to be Code of Student Conduct infractions may result in disciplinary action. Such action may take the form of any of a series of sanctions, including, but not limited to, reprimand, probation, or in more extreme cases, suspension or expulsion from the College. Suspension or any disciplinary action short of expulsion is not considered punishment, but part of the educational process. A student may be suspended for an indefinite period of time, depending upon the offense. Expulsion is permanent.

The Director of Campus Life, in its functional role of Student Conduct Office, serves to promote a safe and secure learning community of civility and integrity, while treating each student with dignity and respect.

### Goals of the Student Conduct Process

1. To hold students accountable for their behaviors with fairness and dignity to all involved parties.
2. To protect the welfare of the Bennett College community and its constituents.
3. To educate students about the expectations Bennett College has regarding the standards of behavior all students are to maintain.
4. To instruct, educate, and advise students to cease offending behaviors and obtain assurances that these behaviors will not be repeated.
5. To provide developmental learning experiences that give students the opportunity for insight and reflection about why they are at Bennett College and how to best accomplish their educational and personal goals.
6. To educate students about what it means to be a part of a community and to strive to cultivate an atmosphere of respect and understanding among the diverse sisterhood of the Bennett College Community.
7. To fairly, effectively, and efficiently administer the Code of Student Conduct.

## **BENNETT COLLEGE CODE OF STUDENT CONDUCT**

### 1) General Provisions

- a) Introduction. This Code seeks to apply the principle of responsible freedom as it guides the conduct of Bennett College students. Responsible freedom is exercised when actions are directed by ethical standards. Moreover, the Code operates as a vehicle for informing students about their rights and responsibilities while reinforcing the development of ethical standards that make responsible freedom possible.
  - (1) Scope. Bennett College jurisdiction regarding student conduct is generally limited to conduct of any Bennett College student that occurs on Bennett College premises. In addition, the College reserves the right to impose discipline based on any student conduct, regardless of location, when that conduct may adversely affect the College community or its constituent programs. The College further reserves the right to restrict contact with specified individuals when facts and circumstances dictate

such action. The right of all students to seek knowledge, debate ideas, form opinions, and freely express their ideas is fully recognized by Bennett College. This Code of Student Conduct applies to student conduct and will not be used to impose discipline for the lawful expression of ideas. Specific restrictions on time and place of meetings and assemblies are found in the Student Handbook.

- b) The processes for adjudicating violations of local, state and federal law and violations of the Code of Student Conduct are separate and may be pursued independently and/or simultaneously.
- c) Authority.
  - i) Authority for student discipline ultimately rests with the Board of Trustees, then delegated to the President, who delegates this authority to the Vice President for Student Affairs (hereinafter "Vice President") or designee for potential non-academic violations. The Vice President delegates this authority to the Director of Campus Life. Under the direction of the Vice President, the responsibility for implementing the student conduct system rests with the Director of Campus Life, the resident directors, and appropriate Campus Life staff. The Vice President (or designee), Director of Campus Life, or resident directors may take direct jurisdiction of any case due to the inability or disqualification of the appointed hearing officer to serve, or when it is determined by the immediate circumstances that taking direct jurisdiction is in the best interest of the College. The Vice President (or designee) has the authority to designate individuals as hearing or appellate officers, as defined in Section 3) c) iv) when appropriate.
  - ii) The Vice President (or designee) also has the authority to notify the person listed as a student's emergency contact (or other appropriate person) in case of an emergency involving that student.
  - iii) All hearing bodies have the authority to consult with other appropriate College officials in order to resolve a Code of Student Conduct case effectively.
  - iv) Decisions of the Student Conduct Board(s) are considered recommendations to the Director of Campus Life (See 1) d) vii. below).
  - v) Decisions of administrative hearing panels are recommendations to the Director of Campus Life, or the designee of the Vice President of Student Affairs or Provost (See 1) d) vii. below).
  - vi) All recommended student conduct decisions must be approved in writing by the appropriate authority (or designee) and only then will be communicated to the student (see 1) d) iii.-vi. above). The appropriate authority may adopt or amend the recommended decision, or order a new hearing. Prior to amending or ordering a new hearing, the authority will confer with the appropriate hearing body. Upon approval, the recommended decision becomes a first-level student conduct action.
  - vii) Decisions of all other hearing bodies constitute first-level student conduct actions.
  - viii) If a first-level student conduct action is not appealed as provided herein, that decision becomes final agency action.
  - ix) Appellate officers are listed in *Section 4), Appeals*. Appellate decisions are considered recommendations to the Vice President and Provost and become final agency action upon approval by the Vice President and Provost (or designee).
- d) Definitions.
  - i) Advisor. The term "advisor" means any one person chosen by the charged student, complainant, or any witness to assist throughout the student conduct process, unless service in this capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the Director of Campus Life (or designee).
  - ii) Charged Student. The term "charged student" means any student who has been formally charged with an alleged violation of the Code of Student Conduct.
  - iii) Class day. The term "class day" means any day that either classes or final exams are scheduled.
  - iv) Hearing. The term "hearing" means an informal or formal proceeding, conducted by a hearing body accordance with the Code of Student Conduct, at which determinations of responsibility and non-responsibility are made and sanctions imposed.

- v) Hearing Body. The term "hearing body" means any person or persons authorized by the Vice President of Student Affairs or Director of Campus Life or as provided for in this Code of Student Conduct to conduct hearings to make recommended findings regarding whether a student has violated the Code of Student Conduct and to recommend sanctions.
  - vi) On-Campus. The term "on-campus" means all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, including adjacent streets, sidewalks, and parking lots. See also subsection xi), "College," below.
  - vii) Policy. The term "policy" means the written statements of the College as found in, but not limited to, the Code of Student Conduct, the General Bulletin, the Online Student Policy Handbook, the Directory of Classes, the Guide to Residence Living and other written requirements of departments, organizations, and clubs. All College policies must have prior approval of the Board of Trustees.
  - viii) Preponderance of the Evidence. "Preponderance of the evidence" means that the evidence, as a whole, shows that the fact sought to be proved is more probable than not. This standard shall be used in adjudicating all student conduct cases within this Code of Student Conduct.
  - ix) Reasonable person standard. The "reasonable person standard" is a concept that utilizes the hypothetical person, referred to as the reasonable/prudent individual, who exercises care, skill, and judgment in conduct that society requires of its members for the protection of their own and of others' interests, as a standard measure of interaction within a relevant community. The "reasonable person" is not an average person or a typical person. Instead, the "reasonable person" is a composite of a relevant community's judgment as to how a typical member of said community should behave in situations that might pose a threat of harm (through action or inaction) to the public. The standard also holds that each person owes a duty to behave as a reasonable person would under the same or similar circumstances.
  - x) Student. The term "student" means any person who is admitted to and enrolled in any credit-bearing course or program in any school or division of Bennett College, any person who is admitted to the College and is present on campus for the purpose of being enrolled in any College course or program, including Orientation, or any person who has been enrolled in any credit-bearing course or program at the College and continues to be associated with the College, because the student has not completed the course or program in which the student was enrolled. In cases of dual enrollment, jurisdiction over a student's conduct will be determined in consultation with appropriate officials at the student's other institution.
  - xi) Student Advocate. The term "Student Advocate" means any person provided by the Director of Campus Life, either through formal appointment or informal referral, to serve as a resource and advisor to the charged student.
  - xii) College. The terms "College" and "College properties" mean Bennett College, including the main campus, all property leased, used or controlled by the College, facilities and College consortia locations. The Code of Student Conduct applies to the College as defined herein. Non-substantive procedural modifications that reflect the particular circumstances of each campus are permitted.
  - xiii) College Community. The term "College community" includes any person who is a student, faculty member, College official, visitor, contractor, volunteer, representative of the College, or any other person employed or contracted by the College.
  - xiv) College Official. The term "College official" means any person employed or appointed by the College to perform assigned teaching, research, administrative, professional or other responsibilities.
- 2) Violations. The following violations, or the aiding, abetting, conspiring, soliciting, or inciting of, or attempting to commit these violations, constitute violations of the Code of Student Conduct:
- a) Sexual Misconduct.
    - i) Any sexual act that occurs without the consent of the victim, or that occurs when the victim is unable to give consent. Consent is defined as the willing and clear participation in the sexual act. Consent is not freely given if no clear verbal consent is given; if the individual is not able to give consent or if perceived consent is achieved through force, threat of force, or coercion. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent is not the lack of resistance; there is no duty

to fight in order to indicate lack of consent. Consent can be withdrawn at any time, as long as the withdrawal is clearly communicated by the person withdrawing consent through words or actions. Inability to give consent includes but is not limited to situations where the individual is:

- (1) under the influence of alcohol, drugs or other substances (including but not limited to prescribed medications);
  - (2) unconscious, asleep, ill or in shock;
  - (3) under the age of eighteen and therefore legally incapable of giving consent; or
  - (4) known by reason of impairment, mental condition or developmental or physical disability to be reasonably unable to give consent.
- ii) Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others.
  - iii) Conduct of a sexual nature that creates an intimidating, hostile, or offensive environment for another person. This includes unwanted, unwelcome, inappropriate, or irrelevant sexual or gender-based behaviors, actions or comments.
- b) Endangerment.
- i) Physical violence towards another person or group.
  - ii) Action(s) that endanger the health, safety, or well-being of another person or group.
  - iii) Interference with the freedom of another person to move about in a lawful manner.
- c) Harassment.
- i) Conduct, not of a sexual nature, which creates an intimidating, hostile, or offensive environment for another person.
  - ii) Action(s) or statement(s) that threaten, harm, or intimidate another.
  - iii) Acts that invade the privacy of another person.
  - iv) Bullying behavior, defined as: the systematic and chronic infliction of physical hurt or psychological distress by teasing, social exclusion, threat, intimidation, stalking, physical violence, theft, harassment, or destruction of property.
  - v) Stalking, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for his or her life or personal safety.
- d) Hazing. Hazing is defined as any group or individual action or activity that endangers the mental or physical health or safety or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s). Although hazing is generally related to a person's initiation or admission into, or affiliation with, any group or organization, it is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the organization, for a charge of hazing to be upheld. The actions of active, associate, new, and/or prospective members of an organization may be considered hazing. Hazing includes, but is not limited to:
- i) Unreasonable interference with a student's academic performance.
  - ii) Forced or coerced consumption of food, alcohol, drugs, or any other substance.
  - iii) Forced or coerced wearing of apparel which is conspicuous and/or inappropriate.
  - iv) Forced or coerced exclusion from social contact.
  - v) Branding.
  - vi) Creation of unnecessary fatigue (including but not limited to acts that stem from forced physical activity, such as calisthenics and deprivation of sleep).

- vii) Deprivation of food.
- viii) Beating, whipping, or paddling in any form.
- ix) Line-ups and berating.
- x) Physical and/or psychological shocks.
- xi) Personal servitude.
- xii) Kidnapping or abandonment.
- xiii) Unreasonable exposure to the weather.
- xiv) Any activity that would be viewed by a reasonable person as subjecting any person to embarrassment, degradation or humiliation.
- xv) Expectation of participation in activities that are unlawful, lewd or in violation of College policy.

Please refer to the Bennett College Hazing Policy and Section 1006.63, North Carolina Statutes, for more details.

- e) Retaliation for Reporting Hazing. Retaliating against any individual who reported a hazing violation or suspected hazing violation to College or law enforcement officials.
- f) Weapons.
  - i) On-campus possession or use of firearms, antique firearms, explosives, destructive devices, or other weapons or dangerous articles or substances, including but not limited to non-lethal weapons such as pellet guns, bb guns, paintball markers, slingshots, crossbows, stun guns, tasers, metallic knuckles, archery equipment, swords, sword canes, ornamental or decorative swords/daggers/knives, or any dangerous chemical or biological agent. Note: This section does not apply to any law enforcement officer who is a student or to any student ROTC member acting under the supervision of an ROTC unit in a manner proscribed by military regulations of the United States Government.
  - ii) Off-campus, unlawful or unauthorized possession or use of firearms, explosives, or other weapons or dangerous articles or substances.
- g) Fire and Safety.
  - i) Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.
  - ii) Unlawful possession, or removal of, damage to, or tampering with fire safety or other emergency warning equipment.
  - iii) Failure to evacuate a College building or facility within a reasonable amount of time after a fire alarm is sounded.
  - iv) Arson, or the setting of any unauthorized fire in or on College property
- h) Alcohol, Controlled Substances, and Illegal Drugs.
  - i) Unlawful possession or use of controlled substances, including prescription medicine belonging to another individual.
  - ii) Possession or use of illegal drugs
  - iii) Purchase, distribution, delivery, or sale of illegal drugs or controlled substances.
  - iv) Possession or use of drug paraphernalia.
  - v) Possession or consumption of alcohol on campus.
  - vi) Possession or consumption of alcohol when under the age of 21 as specified by the State of North Carolina.

- vii) Providing alcoholic beverages to an individual who is under the age of 21 as specified by the State of North Carolina.
- viii) Driving while under the influence of alcohol or any controlled substances or illegal drugs.
- ix) Intoxicated behavior.
- x) Open house party. An open house party is defined as an event at a residence where hosts, owners, or others in control of the event fail to take reasonable steps to ensure legal compliance, reduce the risk of harm, and ensure the safety of guests (including, but not limited to, removing those in violation or requesting law enforcement to assist) if alcoholic beverages are known to have been consumed at the residence by person/s under the age of 21 and/or illegal drugs or controlled substances are unlawfully possessed, distributed or used.
- i) Disruption.
  - i) Failure to comply with a lawful order of a College official or any non-College law enforcement official.
  - ii) Providing false information to a College official or to a non-College law enforcement official, including student conduct hearing bodies.
  - iii) Acts that impair, interfere with, or obstruct the orderly conduct, processes, and functions of the College or the rights of other members of the College community. This includes acts that occur both inside and outside of the classroom setting and may involve use of electronic or cellular equipment. This also includes behavior off campus during a College sanctioned event or activity or an event where the student serves as a representative of the College (including, but not limited to an organizational leadership role).
  - iv) Commercial solicitation on campus without prior approval from College officials.
  - v) Acts that disrupt the College student conduct process including attempting to coerce or influence a person regarding their participation in any student conduct proceeding.
- j) Failure to provide at request of College official, misrepresentation or misuse of identity or identification.
  - i) Permits another person to use his or her identification.
  - ii) Inappropriate use of another person's identification.
  - iii) Impersonation, or misrepresenting the authority to act on behalf of another or the College.
  - iv) Forgery, alteration, or misuse of identification, documents, records, keys, or access codes.
  - v) Manufacture, distribution, delivery, sale, purchase, possession, or use of false identification.
- k) Property.
  - i) Damage or destruction of public or private property.
  - ii) Theft - without authorization removes or uses the property or services of another person or of the College, with the intent to permanently deprive the person or College of the property.
  - iii) Misappropriation – without authorization temporarily removes or uses the property or services of another person or the College, but without the intent to permanently deprive the person or the College of the property.
  - iv) Receipt, possession, sale, or purchase of property or services that are known or reasonably should have been known to have been stolen.
  - v) Enters or uses the property or facilities of the College or of another person without the proper consent or authorization.
- l) Computers.
  - i) Unauthorized access or entry into a computer, computer system, network, software, or data.
  - ii) Unauthorized alteration of computer equipment, software, network, or data.

- iii) Unauthorized downloading, copying, or distribution of computer software or data.
  - iv) Any other act that violates North Carolina law or the Bennett College policies for use of campus computer and network resources.
  - m) Recording of Images without Consent. Using electronic or other means to make a video or photographic record of any person where there is a reasonable expectation of privacy without the person's consent and when such a recording is likely to cause injury, distress, or damage to reputation. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms. The sharing and/or distributing of such unauthorized records by any means is also prohibited.
  - n) Recording of Oral Communications without Consent. Acquires, by listening or by recording using any device, any wire, oral, or electronic communication, when such communication is uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation (i.e., in a situation in which the person has a reasonable expectation of privacy), and the person has not given consent to the acquisition or recording of the communication.)
  - o) Gambling. Engages in or offers games of chance for money or other gain in violation of the laws of the State of North Carolina.
  - p) Other Violations.
    - i) Violation of Federal or State law or local ordinance.
    - ii) Aids, abets, conspires, solicits, incites, or attempts to commit, any other violation of Federal law, State law, or local ordinance.
    - iii) Violation of any other College regulation or policy as described in the BENNETT COLLEGE General Bulletin, Student Handbook, College Housing contract, The Guide to Residence Living, other Campus Life publications, the BENNETT COLLEGE Online Student Policy Handbook, the official BENNETT COLLEGE website, Student Activities and Organizational Policies (Student Organizational Manual or other College policies and Student Organization Advisor's Manual), or other College policies directly related to departments, organizations or clubs.
    - iv) Violation of the Academic Honor Policy when the student is not currently enrolled in the related course or when the incident cannot otherwise be processed under the Academic Honor Policy. Refer to the Academic Honor Policy for violations and descriptions.
- 3) Conduct Hearings
- a) Students' Rights.
    - i) Notice: Charged students will be given written notice of the Code of Student Conduct charge(s) and the allegations upon which the charge(s) is/are based.
    - ii) Hearing: Students will be given an opportunity to present information, including witness testimony and/or statements, during a fair and impartial hearing. (A more complete description of the procedures utilized to implement these rights is found in *Section (h), Procedures.*)
  - b) Complainants' Rights. The College provides the following rights to the complainant. The cases to which these rights may apply include but are not limited to sexual misconduct, endangerment, harassment, stalking and hazing. The College shall provide notice to the complainant of these rights at least five (5) class days prior to a student conduct hearing. Complainants must notify the Director of Campus Life or Residence Life hearing officer at least two (2) class days prior to the scheduled hearing, if they wish to exercise any of the following rights listed in this section:
    - i) To have her unrelated past behavior excluded from the hearing. The hearing body will decide if such information is unrelated. The past sexual history of the complainant is not relevant, unless deemed essential by the hearing body to protect fundamental due process.
    - ii) To attend an information session, during which time the complainant can view all materials related to the case and receive instruction regarding the disciplinary process and the charged student's and complainant's rights.



- iii) To have an advisor accompany the complainant when presenting information to the hearing body and to any other relevant meetings held throughout the disciplinary process.
  - iv) To present evidence including presenting witnesses and/or signed written statements, as well as other relevant reports and documentary evidence.
  - v) To question the charged student and witnesses during the hearing. Questions to the charged student will first be posed to the hearing body, and depending on the case, the hearing body will pose the questions to the charged student.
  - vi) To submit an impact statement to the Director of Campus Life. This information will be used only in the sanctioning phase of deliberations, if the charged student is found responsible for the charge(s). The charged student may request to view the impact statement. The request will be considered by the Director of Campus Life or Campus Life in consultation with the complainant.
  - vii) To request to testify in a separate room from the charged student so long as the process does not unduly compromise the charged student's fundamental due process right to question the witness.
  - viii) To request to be present throughout the entire hearing, or portions thereof. This option will be considered by the hearing body, and its decision shall be final and not subject to appeal.
  - ix) To be simultaneously notified of the status and outcome of the Code of Student Conduct process at the first hearing level and final outcome to the extent that the outcome directly relates to the complainant and the notification does not violate the privacy rights of the charged student.
  - x) To appeal any first-level decision, provided that one or more of the reasons for appeal listed in *Section 4) c)* is relevant to the case. On appeal, the burden of proof rests with the complainant to show clearly that an error substantially affecting the outcome of the proceedings, or constituting a fundamental due process right of the complainant, has occurred during the first level hearing process. The appellate body varies depending on the initial hearing body and is outlined in *Section 4), Appeals*. All appellate decisions are considered recommended decisions to the Vice President (or designee).
- c) Procedures. The Director of Campus Life is charged with implementing the Code of Student Conduct in ways that are congruent with the Bennett College philosophy and ethical standards and with all applicable laws and regulations. The procedures implemented by this office will be consistent with all appropriate due process rights accorded to students in College Code of Student Conduct proceedings.
- i) Charges. A review for possible charges may be initiated in the following ways:
    - (a) Providing a signed statement to the Director of Campus Life. For violations that occur in the residence halls, the statement may be submitted to a Residence Hall Director. All information will then be reviewed by an appropriate staff member to determine whether Code of Student Conduct charges will be filed or if alternative action, including mediation, is appropriate. When practicable, reports should be submitted by the Director of Campus Life to either Public Safety or the appropriate administrator in a timely manner.
    - (b) Filing a report with BENNETT COLLEGE Public Safety or requesting that a report from another law enforcement agency be sent to the BENNETT COLLEGE Public Safety Office. All such reports that indicate a potential Code of Student Conduct violation will be forwarded by BENNETT COLLEGE Public Safety to the Director of Campus Life in a timely manner.
    - (c) Formal Code of Student Conduct charges may be filed at the completion of all law enforcement investigations or as soon as practicable, even if a law enforcement investigation or criminal proceeding is ongoing.
  - ii) Notice. The written notice given to any charged student will include the following:
    - (1) Sufficient detail to prepare a defense (including source of information, alleged violation, and specific Code of Student Conduct charges).

- (2) An invitation to attend an information session, during which the student may view all materials related to the case, receive instruction regarding the student conduct process and the student's rights, and confirm the forum in which the case will be heard.
  - (3) Notice of a formal hearing will occur at least five (5) class days prior to the hearing of the case. Informal hearings will be scheduled at the convenience of the charged student and the hearing body.
  - (4) Parent(s) of any student under the age of eighteen at the time of the alleged violation may also be notified of pending charges.
  - (5) The Director of Campus Life may place a conduct hold on the records and registration of any student who fails to address the Code of Student Conduct charges in a timely manner. Any pending conduct matters must be resolved prior to a student's graduation, the release of transcripts, transfer of credits to another institution, or re-enrollment at the College.
  - (6) The contact information on file with the College Registrar's Office will be used for all student conduct notices sent to the charged student.
- iii) Investigation. The Director of Campus Life may investigate or assign a Campus Life staff administrator to investigate a complaint against a student. During the investigation, both the complainant and the charged student will be allowed to do all of the following: bring an advisor (of the student's choosing / See *Section 3) b) iii)*) to any meeting with a hearing officer; meet with the hearing officer and tell the student's story; submit documents and other relevant evidence to the hearing officer; and identify witnesses who may have information relevant to the complaint. Investigations should be completed as promptly as possible under the circumstances.
- iv) Hearing Bodies and Authorities. Any specific procedures used by hearing bodies will comply with the requirements of this Code of Student Conduct.
- (1) The Director of Campus Life (and designee(s)) may conduct both informal and formal hearings.
  - (2) A hearing officer designated by the Vice President of Student Affairs may conduct both informal and formal hearings.
  - (3) The Student Conduct Board may conduct both informal and formal hearings. Panels are composed of five (5) Student Conduct Board members selected by the Director of Campus Life. In times of limited student availability or when conflicts are identified, hearings may proceed with less than five (5), but not less than three (3), Student Conduct Board members.
  - (4) An Administrative Hearing Panel may conduct formal hearings. Panels are composed of one (1) faculty member, one (1) staff member, both designated by the Vice President of Student Affairs (or designee), and two (2) Student Conduct Board members. In times of limited student availability, panels may proceed with one (1) Student Conduct Board member with approval from the Director of Campus Life and consent of the charged student and complainant (if any).
  - (5) Residence Life hearing officers (Director, Resident Directors and designees) may conduct both informal and formal hearings regarding cases arising in Residence Life in which the charged student is a resident of Campus Life.
    - (a) Informal hearings for Residence Life policy violations may be conducted by the Residence Hall Director.
    - (b) Formal hearings for Residence Life hall violations must follow the standard format for student conduct hearings.
- v) Choice of Hearing Type and Hearing Body. Charged students may request both the hearing type and the hearing body to adjudicate their case subject to the restrictions stated in Section c) iii., above. Further restrictions to that choice include:
- (1) When it is determined that a case requires a formal record of proceedings, a formal hearing may be chosen by the Vice President of Student Affairs (or designee).

- (2) When two or more individual cases stem from the same incident, those cases should typically be heard by the same hearing body. In such cases, the Director of Campus Life (or designee) may either pre-select the hearing type and hearing body or consult with the students involved before making the decision.
  - (3) The Vice President of Student Affairs or Director of Campus Life (or designee) reserves the right to select the appropriate hearing type and body for other administrative or case-related reasons.
  - (4) During time periods in which any of the hearing bodies are not officially constituted, the Vice President of Student Affairs or Director of Campus Life (or designee) may select an appropriate alternative as the hearing body.
- vi) Types of Hearings. Two distinct types of hearings are provided for by the Code of Student Conduct. Informal hearings are held when cases involve few or no disputed questions of fact and possible sanctions do not include separation from the College. Formal hearings are held when cases involve disputed questions of fact or serious alleged violations of the Code of Student Conduct (i.e., violations that could lead to separation of the charged student from the College).
- (1) Formal Hearings will follow the following guidelines:
    - (a) Require the hearing body to call appropriate witnesses or obtain witness statements, reports, or other information in support of the charges.
    - (b) Will be held no sooner than five (5) class days after notice is received by the charged student. The student may submit a written request to hold the hearing before the five (5) class days. The request will be considered and acted upon by the Director of Campus Life.
    - (c) Will be audio recorded. This recording will serve as the official record of the proceedings. See *Section 5) Records* below.
    - (d) A formal decision letter will be sent to the student within seven (7) class days from the conclusion of the hearing. This time limit may be extended if additional consideration of evidence and deliberation is required. In such a case, the student should be notified of the extension of time to a date certain by the Hearing Officer within seven (7) class days of the conclusion of the hearing.
    - (e) The following order of presentation is recommended for use in formal hearings. The hearing body may change the order if deemed appropriate, including modifications in accordance with the Code of Student Conduct Statement of Complainant's Rights.
      - (i) Presentation of formal charges.
      - (ii) Opening statement by the College, followed by the opening statement of the charged student. Either party may waive the right to provide an opening statement.
      - (iii) Presentation of evidence and witnesses by the College, followed by questioning of those witnesses by the hearing body and the charged student. Witnesses are then dismissed.
      - (iv) Presentation of evidence and witnesses by the charged student, followed by questioning of those witnesses by the charged student and the hearing body. Witnesses are then dismissed.
      - (v) Questions directed to the charged student by the hearing body.
      - (vi) Closing statement by the College, followed by the closing statement of the charged student. Either party may waive the right to provide a closing statement.
  - (2) Informal hearings will follow the following guidelines:
    - (a) The College does not automatically call witnesses to support the charges, although the hearing body may gather any additional information needed, including calling witnesses. The charged student will be informed of any additional information gathered by the hearing body. The charged student may call witnesses and present evidence.
    - (b) Are scheduled at the convenience of both the charged student and the hearing body.

- (c) Brief written decisions (including findings of fact) will serve as records of informal hearings and will be communicated within seven (7) class days of the hearing body's final meeting with the student. This time limit may be extended if additional consideration of evidence and deliberations are required.

vii) Hearing Guidelines. Hearings will follow these guidelines:

- (1) All hearings will be fair and impartial and will use a reasonable person standard when assessing whether the information presented constitutes a preponderance of the evidence. A charged student may submit a challenge to the impartiality of any member of a hearing body to the Director of Campus Life or the hearing body. Decisions on challenges shall be final and not subject to appeal.
- (2) A charged student will have the opportunity to present evidence on his or her behalf, including presenting witnesses, if available, and/or signed, written statements from witnesses, and other documentary evidence. Witness testimony is not required and the inability of the charged student to question a witness who has provided a written statement is not a violation of the due process rights of the charged student, as the charged student has the opportunity to review and respond to the written statement and may offer evidence to rebut the witness statement and other evidence presented at the hearing. Witness statements are entitled to be given the same weight by the hearing body as live witness testimony. Witness statements need not be sworn or in affidavit form, but must be confirmed as authentic by the hearing officer.
- (3) The charged student, complainant, and any witnesses may be accompanied during the hearing by an advisor. Students are required to address the hearing body in person, on their own behalf, although they may consult with their advisor during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. The advisor shall not speak on behalf of the student unless expressly authorized to do so by the hearing body. The charged student, complainant, and any witnesses shall provide the advisor's name in writing to the Director of Campus Life two (2) class days prior to the hearing. The advisor may not serve as a witness.
- (4) A student may choose not to answer any and all questions posed by a hearing body.
- (5) The burden of proof at a first-level hearing always rests with the College. The standard of proof will be the preponderance of the evidence, meaning that the evidence, as a whole, shows that the fact sought to be proved is more probable than not.
- (6) The legal rules of evidence do not apply to Code of Student Conduct proceedings.
- (7) Witnesses.
  - (a) Appropriate witnesses will be called by the College to all formal hearings (See 3) c) v) above for a description of "formal" versus "informal" hearings). Those witnesses who appear may be cross-examined by the charged student. If called witnesses do not appear, their written or taped statements may be considered by the hearing body. In some cases, student witnesses who fail to appear may be charged with a violation of the Code of Student Conduct.
  - (b) Appropriate witnesses may also be called by the charged student to all hearings, provided they are reasonably available and do not disrupt or delay the hearing. In the event a witness is not reasonably available or the witness's presence may disrupt the hearing, a written statement from the witness may be substituted. Witness statements need not be sworn or in affidavit form.
- (8) Hearings may be held in the charged student's absence if the charged student fails to appear after proper notice or fails to cooperate in the Code of Student Conduct process.
- (9) Prior records of student conduct action and witness/complainant impact statements are considered by the hearing body only in the sanctioning phase of deliberations.
- (10) The hearing body's determination of "responsible" or "not responsible" will be based solely on the information presented at the hearing. However, when additional information that affects this determination is gathered outside the hearing, it may be used provided it is shared with the charged student and the student has an opportunity to respond to the information. In cases involving multiple

students charged, information provided at one hearing may be used as evidence in the related case(s).

(11) To request the cancellation of a previously scheduled formal hearing, the charged student must submit a written statement to the Director of Campus Life five (5) class days prior to the hearing date. At the discretion of the Director of Campus Life (or designee), the hearing may be rescheduled or conducted in the charged student's absence.

(12) All first-level recommended decisions will be communicated in writing to the charged student and will include the findings of fact, determination of responsibility, sanctions (if applicable), and notice of appellate rights.

viii) Sanctions. In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be imposed upon any individual student found to have violated the Code of Student Conduct. Certain sanctions may result in a financial cost to the student. If a student does not complete a sanction by the required deadline, a hold may be placed on the student's record. Decisions regarding falsification of admission, readmission, or other non-academic information may be forwarded to the appropriate office for review of the application and appropriate action regarding admission.

(1) Reprimand (written or verbal).

(2) Service Hours - Completion of tasks under the supervision of a College department or outside agency.

(3) Educational Activities - Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.

(4) Counseling Assessment - Referral for assessment at a counseling center for alcohol/drug dependence, general mental health, or other counseling issues.

(5) Restitution - Only in cases involving College property. Restitution must be submitted to the appropriate College department in a manner that is approved by that College department.

(6) Conduct Probation - A period of time during which any further violations of the Code of Student Conduct may result in more serious sanctions being imposed. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to

(a) limited participation in College or student activities

(b) limited representation of the College on athletic teams or in other leadership positions

(c) limited entrance into College residence halls or other areas of campus, or

(d) limited contact with specified individual(s).

(7) Disciplinary Probation - A period of time during which any further violation of the Code of Student Conduct puts the student's status with the College in jeopardy. If the student is found "responsible" for another violation of the Code during the period of Disciplinary Probation, serious consideration will be given to imposing a sanction of Suspension, Dismissal, or Expulsion from the College. Some of the restrictions that may be placed on the student during the probationary period include, but are not limited to

(a) limited participation in College or student activities

(b) limited representation of the College on athletic teams or in other leadership positions

(c) limited entrance into College residence halls or other areas of campus, or

(d) limited contact with specified individual(s).

(8) Change in campus residence hall assignment.

(9) Removal (either temporary or permanent) from the campus residence halls. Removal is the maximum sanction for residence hall policy violations, however, more severe sanctions may be imposed for concurrent Code of Student Conduct violations.

- (10) Restricted contact with specified individual(s).
- (11) Suspension - Separation from the College for a specified period, not to exceed two (2) years after the effective date of the suspension. This may include restricted access to campus and/or other specified activities.
- (12) Dismissal - Separation from the College for at least two years and up to seven years. This may include restricted access to campus and/or other specified activities. Readmission is possible, but not guaranteed, and will only be considered when the full period of time sanctioned, after the effective date of the dismissal, has expired. The previously dismissed student must first obtain approval to begin the readmission process from the Vice President of Student Affairs or designee. Once approval is granted, she must then meet all readmission criteria.
- (13) Expulsion - Separation from the College without the possibility of readmission. This may include restricted access to campus and/or other College-sponsored activities.
- (14) Withholding of diplomas, transcripts, or other records.
- (15) Transcript Notations - a written notation indicating that student conduct action was taken. This sanction may be applied only in cases in which the student has been permanently separated (i.e., expelled) from the College.
- (16) Interim Disciplinary Action. Based upon a student's alleged behavior, the Vice President of Student Affairs (or their designee(s)), may impose an interim disciplinary action prior to the initiation of formal charges under the Code of Student Conduct or to a student's hearing on the facts of the case.
  - (a) When the student's actions/behaviors affect the safety, health, or general welfare of a student and/or the College community, an interim disciplinary action may also include prohibiting the student from being on College property, attending classes, attending programs and activities, and using College facilities.
  - (b) The interim disciplinary action may include notification of appropriate faculty and staff, and restrictions may include but are not limited to
    - (i) suspension
    - (ii) limited class attendance
    - (iii) limited use of College facilities
    - (iv) limited participation in College or student activities
    - (v) representing of the College on athletic teams or in other leadership positions
    - (vi) limited entrance into College residence halls or other areas controlled, leased or used by the College, or
    - (vii) limited contact with specific individual(s).
  - (c) A student will receive written notification of any interim disciplinary action.
  - (d) The College or the student may request a meeting to discuss the restrictions imposed by the interim disciplinary action. The student's request must be in writing to the Vice President of Student Affairs or designee.
  - (e) If a meeting is requested on the interim disciplinary action, a meeting will be scheduled within three (3) class days of the receipt of a written request. The Vice President of Student Affairs (or designee) will conduct the meeting. The student will be notified of the outcome of the meeting in writing. The written notification of the outcome is final as to the interim disciplinary action, pending the final results of the Code of Student Conduct process.

- 4) Appeals. An appeal may be requested on any first-level decision, provided that one or more of the reasons for appeal listed in *Section 3) d) viii* is relevant to the case. On appeal, the burden of proof rests with the student to show clearly that a fundamental due process error that would substantially impact the outcome of the hearing has occurred during the first level hearing process. The appellate body varies depending on the initial hearing body and is outlined below. All appellate decisions are considered recommended decisions to the Vice President (or designee).
  - a) Right to Appeal.
    - i) In the event that an incident involves a complainant (including but not limited cases involving allegations of sexual misconduct, endangerment, harassment, stalking and hazing), both the charged student and the complainant have the right to appeal the first-level decision. In the event that both parties submit an appeal request within the stated timeframe (see *(b)1.* below), one appellate officer will be assigned and one appeal hearing will be conducted (see *(a)* below). Both parties will be provided the opportunity to attend the appeal hearing and the appeal decision outcome will be communicated to both parties.
    - ii) If the charged student appeals, the complainant will be notified of the appeal, will be provided the opportunity to attend the appeal hearing and will be notified of the appeal outcome.
    - iii) If the complainant appeals, the charged student will be notified of the appeal, will be provided the opportunity to attend the appeal hearing and will be notified of the appeal outcome.
  - b) Appellate Officers.
    - i) Recommended decisions of Residence Life hearing officers may be appealed to the Director of Campus Life (or designee).
    - ii) Recommended decisions of the Student Conduct Board may be appealed to the Vice President of Student Affairs (or designee).
    - iii) Recommended decisions of Administrative Hearing Panels may be appealed to the Vice President of Student Affairs (or designee).
    - iv) Recommended decisions of the Director of Campus Life (and designees) may be appealed to the Vice President of Student Affairs (or designee).
    - v) Recommended decisions of other hearing officers appointed by the Vice President of Student Affairs may be appealed to the Vice President of Student Affairs (or designee, including a panel).
    - vi) Recommended decisions of hearing officers appointed by the Director of Campus Life may be appealed to the Director of Campus Life (or designee).
  - c) Appeal Requests.
    - i) A written request shall be submitted to the Director of Campus Life or Residence Life within three (3) class days after the student is notified of the first-level hearing decision.
    - ii) The request shall state the reason(s) for appeal (see *d)* below), the supporting facts, and the recommended way to correct the error.
  - d) Appeals are not opportunities for full rehearing's of cases already decided. Appeal considerations are limited to:
    - i) due process errors involving violations of a charged student's fundamental due process rights (see *Section (1)(ff)*) or a complainant's rights (see *Section (1)(h)*) that substantially affected the outcome of the initial hearing.
    - ii) demonstrated prejudice against any party by the person presiding over the hearing. Such prejudice must be evidenced by a conflict of interest, bias, pressure, or influence that precluded a fair and impartial hearing.
    - iii) newly discovered, relevant information that was not reasonably available at the time of the original hearing and that would have substantially affected the outcome of the original hearing.
    - iv) a sanction that is extraordinarily disproportionate to the violation committed.

v) the preponderance of the evidence presented at the hearing does not support the finding with regard to responsibility. Appeals based on this consideration will be limited solely to a review of the record of the first-level hearing, except newly discovered evidence under *Section d) iii)* above may also be considered.

e) Appellate Review.

i) Will involve an initial file review by the appellate officer. The appellate officer may make a determination based solely on this review. The outcome of the file review may become the official decision (see *Section (f)* below regarding appellate decisions).

ii) If the appellate officer determines a need for additional information, that officer may request written materials and/or an appeal hearing with the charged student and/or complainant (see *Sections iii-vii* below).

iii) If deemed necessary, an appeal hearing will be scheduled within ten (10) class days of receiving the written request for appeal.

iv) If deemed necessary, an appeal hearing will involve hearing the charged student and/or complainant and any witnesses called by the student and/or complainant; the appellate officer may determine whether there is a need to call any further witnesses or gather additional information.

v) An appeal hearing will be audio recorded; this recording will serve as the official record of the hearing.

vi) The charged student and/or complainant will be afforded the opportunity to bring an advisor to the appellate hearing.

vii) All hearings will be fair and impartial.

viii) If the charged student and/or complainant fails to appear at the scheduled appeal hearing after proper notice or otherwise fails to cooperate with the Code of Student Conduct process, the hearing may still be held in their absence.

f) Appellate Recommendations and Decisions.

i) The appellate officer may recommend to affirm, modify or reverse the first-level hearing decision, or order that a new hearing be held. The appellate officer may not modify or reverse a finding of "not responsible," but, may recommend that the finding be set aside and a new hearing be held.

ii) All appellate recommendations are transmitted to the Vice President (or designee). The Vice President has the right to affirm, modify, or reverse the recommendation, or to order a new hearing.

iii) The final decision is communicated in writing within ten (10) class days of an appellate decision. This time period may be extended if necessary for consideration of the record on appeal.

iv) Once approved by the Vice President (or designee), appellate recommendations become final agency action.

v) Except in the case of an interim disciplinary action pursuant to *Section 3) c) vii) (16)*, the charged student's status will remain unchanged until the appellate process is final.

5) Records.

a) Records of all student conduct cases will be maintained in the Director of Campus Life. Records which result in a finding of not responsible or result in suspension or a less severe sanction shall be destroyed in compliance with North Carolina Public Records law. Dismissal records shall be permanently retained as official records, unless the student is readmitted and successfully completes a degree, at which point the record should be removed five years beyond the date of readmission. Expulsion records shall not be removed from the official files under any circumstances. Any records kept beyond these limits for statistical purposes will not be considered or released as official student conduct records.

b) The release of student conduct records will be governed by applicable federal and state laws regarding the privacy of education records.



- c) Recordings of hearings may be reviewed at the Director of Campus Life. The Director of Campus Life may require the reviewer to sign a confidentiality agreement as a condition of the review. Copies of recordings are not available unless all parties and witnesses have provided written confidentiality waivers.
- d) Transcripts of recorded hearings will not be prepared by the College. Any person desiring a transcript of a recorded hearing should contact the College's General Counsel, which will arrange for the preparation of the transcript by a court reporting service. The court reporting service will provide the transcript to the College's General Counsel, which will perform a confidentiality review of the transcript and redact any confidential or exempt information pursuant to state or federal law. The requestor shall bear the cost of the transcript preparation and confidentiality review.

## **OTHER BENNETT COLLEGE STUDENT POLICY**

### **BENNETT COLLEGE STUDENT GRIEVANCE PROCEDURE**

Any student who has an unresolved disagreement or dissatisfaction with a faculty or staff member, another student, student group or administrator has the right to file a written complaint without prejudicing her status with the College.

#### **Definitions**

Complaint\*: A complaint involves a concern, problem or issue other than a disciplinary measure. Appeals are made through established procedures. Complaints may be academic or nonacademic.

*\*The appropriate response to a disciplinary measure which is deemed unfair or excessive, or dissatisfaction with a grade, or progression, probation, or dismissal from a program, is an appeal, not a complaint.*

- **Academic Complaint:** An academic complaint may be brought by a student regarding the provision of education and academic services affecting her role as a student. Academic grievances can include but are not limited to the following types of allegations: discriminatory action toward students within the classroom by a faculty member, e.g., by singling out specific students for either preferential or adverse treatment; failure of a faculty member to follow policies in the conduct of classes or examinations; or capricious or unreasonable arbitrary actions by a faculty member that adversely affects student performance.

- **Nonacademic Complaint:** A nonacademic complaint may be brought by a student regarding a disagreement or unresolved dissatisfaction with a faculty or staff member, another student, student group or administrator. Nonacademic grievances can include but are not limited to the following types of allegations: issues regarding discrimination or an alleged infringement upon the rights or sensibilities of an individual by a College employee, student or student organization.

#### **Procedure**

The student is encouraged to attempt to resolve all grievances at the lowest possible level. When the student feels comfortable doing so, she may first attempt to resolve the issue by approaching the person(s) whose decision or action is being contested to resolve the issue, or she may report by written complaint to the appropriate dean or supervisor. A complaint must be based on a claimed violation of a rule or policy that has not been resolved through ordinary processes. Any student who brings a complaint has the burden of proof and must provide documentation and evidence to support the allegation. A complaint should normally be filed within 10 working days of the incident or incidents. NOTE: This policy does not limit the College's right to change rules, policies or practices. The student should put her grievance in writing according to the following guidelines:

- What is the grievance? Identify it.
- What are the grounds for the grievance? Explain the basic justification for it based on a claimed violation of a College rule or policy.

- How would you like to see it resolved? What do you want done?

For academic grievances (other than disability or gender-based misconduct) the student will submit the complaint in writing to the Provost. The Office of the Provost will ensure that the complaint receives a timely response. The student may appeal the response in writing to the Office of the President within 10 days. The results of complaints appealed to this level are final and may not be further appealed. The Office of the Provost will keep on file a record of each complaint, its nature and resolution.

For non-academic grievances (other than disability or gender-based misconduct), the student will submit the complaints in writing to the Associate Vice President of Student Affairs (AVPSA). The AVPSA will ensure that the complaint receives a timely response. A record of each complaint, its nature, and resolution, will be forwarded to the Office of the Provost. Students should also see the online Student Handbook.

**Disability Discrimination:** Any student who believes that an employee has discriminated against her due to a disability should file a grievance with the Manager of Student Disability Services within 10 days from the date of the alleged incident. For the complete process and policy information see the Student Disability Services policy.

**Gender-based misconduct:** Any student who feels that she has been a victim of gender-based discrimination, violence, or other misconduct should submit a written complaint to the Title IX Coordinator or to Campus Safety. The complaint is subject to EOP 12.01: Title IX General Policy and/or STAF 11.02: Sexual & Relationship Misconduct.

Students who wish to file a formal complaint regarding an individual, group of individuals or department should follow the procedure outlined below. Student Complaint Forms are available under the Student Affairs tab in Bellenet. Non-academic issues include, but are not limited to, student disputes, sexual harassment, discrimination, student services, records and confidentiality, policy violations and general grievances.

Once the proper documentation is received, the Associate Vice President of Student Affairs will review the information. The staff member reviewing the form will determine if additional information is needed to pursue the complaint.

1. The written complaint must be signed by the student and filed with the Office of Student Affairs as close to the actual incident as possible, usually within three (3) days. Complaints not filed in a reasonable amount of time will be considered on a case-by-case basis.
2. Complaints will be assigned to an administrator for resolution. Involved parties will have an opportunity to provide additional information in an effort to address the matter.
3. Written determination as to the validity of the complaint and a description of the resolution (if appropriate) will be prepared by the Office with a copy forwarded to the complainant.
4. In some cases, an investigation may be necessary and conducted by the Office of Student Affairs. The investigation is usually conducted within thirty (30) days of the date that the written complaint is filed.

Complaints regarding student services, non-academic departments, and other grievances will generally be forwarded to the appropriate office or administrator for resolution. The Office of Student Affairs will forward the information and maintain copies of all pertinent information related to the complaint in the office.

## **POLICY ON SEXUAL HARASSMENT**

It is the policy of Bennett College that employees and students regardless of race, color, religion, sex, disability or national origin, be free from sexual harassment.

Sexual harassment is defined as any unsolicited and unwelcomed verbal, or non-verbal expression, and/or physical behavior of a sexual nature, made explicitly or implicitly to an employee or a student. Sexual harassment includes, but is not limited to the following:

- Submission to or rejection of behavior by an individual that is used to make academic, employment or other institutional decisions affecting that individual.

- Behavior that interferes with an individual's work performance, academic activities, student activities, or creates an intimidating, hostile, demeaning, or offensive working and/or educational environment.
- Behavior that suggests disgust or disdain for a different life style or different cultural values.

***Disciplinary action will be taken against individuals found by the College to have committed an act of sexual harassment.*** In other instances, the adjudicating body shall determine whether or not the student or faculty/staff member has violated the Bennett Code of Conduct and/or other community standards. If a violation is found, appropriate action will be taken.

## **POLICY ON FRATERNIZATION**

The expectation of the College is that there will be no questionable personal relationships between faculty, staff, and/or students except in the case of those acknowledged by law (e.g. marriage). Such relationships between faculty/staff and students are considered unprofessional conduct and may be grounds for termination of employment for the faculty/staff person involved.

## **BENNETT COLLEGE SUBSTANCE ABUSE POLICY STATEMENT – GOVERNING STUDENTS**

It is the policy of Bennett College that a drug-free educational and work environment be maintained. The College therefore prohibits the manufacture, sale, distribution, possession, or use and misuse of any controlled substance, including alcoholic beverages, as defined in Schedule I through VI of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and further defined by regulation in 21 CFR 1300.11 through 1300.15, or by the North Carolina General Statutes. This policy will govern each student while on any property owned by or under control of the College. In addition, this policy shall apply at any time during which an individual acts in the course and scope of her enrollment with the College.

It is a condition of enrollment at the College, that each individual shall comply with this **POLICY STATEMENT**, and that she will notify the Office of Student Affairs of her convictions of any criminal drug statute no later than five (5) days after such conviction. Violation of this **POLICY STATEMENT** will subject a student to disciplinary action by the College up to and including expulsion. Students may be referred for mandatory evaluation and treatment if substance abuse is suspected.

Each student will sign and receive this **POLICY STATEMENT** during registration along with the Bennett Honor Code.

## **NO-SMOKING POLICY**

It is the goal of the College to protect the public health and environment of its students and employees. This is reflected in objective #1 of the Institution's Fourth Strategic Goal which states that the College will "provide and maintain a safe and healthy environment." As an initial step in working toward the attainment of this objective, the College Administration has declared the Bennett College campus a smoke-free workplace. The policy covers the smoking of any tobacco product and the use of smokeless tobacco and applies to students, employees and visitors to the College. All students and employees of the College share in the responsibility of adhering to and enforcing this Policy. They also have the responsibility for bringing the policy to the attention of fellow students, employees and visitors.

The College also supports and encourages individual efforts that will support the achievement of this and other College goals and objectives.

## **Bennett College Anti-Hazing Statement**

Bennett College will not tolerate or condone hazing in any form. Any practices, ceremonies, behaviors, or rites of induction which tend to allow mental or physical suffering are prohibited. It shall be a violation for any person to

haze any student in connection with or as a condition or precondition of gaining acceptance, membership, office, or other status in a college organization.

The College defines hazing as any willful act by one (1) student alone or acting with others, directed against any other student(s) that:

- Subjects the student intentionally or unintentionally, on or off campus to indignity, humiliation, mental or physical discomfort, embarrassment, harassment, ridicule, the violation of College rules and regulations, the violations of laws or policies of the parent organization and/or the violation of any local, state or national laws;
- Intimidates the student by threatening or ostracizing her, in public.
- Submits the student to shame or disgrace among fellow students.
- Discourages the student from remaining at Bennett College or causes her to leave rather than to submit to such acts.
- Constitutes a legal assault, by striking, beating, bruising, maiming or any other type of physical violence, which includes threatening to do these acts.

Specifically forbidden hazing activities include, but are not limited to, paddling in any form, nudity at any time, tasks of personal servitude, any work sessions or meetings which interfere with scholastic activities or requirements, loud noises or activities that disturb the neighborhood, temporary or permanent disfigurements or cosmetic changes, calisthenics (push ups, jogging, runs, etc.), activities or actions that require or include theft or other illegal practices, creating excessive fatigue, physical and psychological shocks, publicly wearing apparel that is bizarre and not in good taste, engaging in public stunts, morally degrading or humiliating activities, depriving persons of the opportunity for sufficient sleep, forcing or coercing persons to consume alcohol or unusual substances as unprepared food, blindfold trips, inhumane treatment, walking in line or "Hell Week" activities and any requirement that may cause a student to violate the Bennett Honor Code or the code of Conduct, or any College, state or federal laws. All rites, ceremonies or practices of initiation or orientation into college life or into the life or membership of any college group or organization, should be of an educational, historical, functional and inspirational nature.

Each and every organization has the responsibility for informing its membership, both old and new, of any important college policies including those on hazing. All Bennett College organizations are responsible for the actions of all visiting members, friends, and/or alumnae who will be subject to the same behavior standards and policies as members of the organizations. Hazing is forbidden by the College and anyone suspected of hazing will be investigated and may face disciplinary action and legal action.

### **North Carolina Hazing Law:**

#### CHAPTER 14. CRIMINAL LAW

#### SUBCHAPTER 03. OFFENSES AGAINST THE PERSON

#### ARTICLE 9. HAZING

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. Â 14-35 (2007)

Â 14-35. Hazing; definition and punishment

**It is unlawful for any student in attendance at any university, college or school in this State to engage in hazing, or to aid or abet any other student in the commission of this offense. For the purposes of this section, hazing is defined as follows: "to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group." Any violation of this section shall constitute a Class 2 misdemeanor.**

HISTORY: 1913, c. 169, ss.1,2,3,4; C.S., s. 4217; 1969, c. 1224, s. 1; 1993,, c. 539, s. 19; 1994, Ex. Sess., c. 24, s. 14(c); s.a.

## **BENNETT COLLEGE DRESS CODE**

In order to fully prepare the women of Bennett for success in their future careers and life endeavors, it is our responsibility to provide an educational experience that develops the whole student. Subject knowledge, character development and appearance enhancement are all key elements of the educational experience that we are committed to provide. To that end, a dress code is appropriate for all students as follows:

1. Clothing must be appropriate, neat, clean and inoffensive. Examples of inappropriate and offensive attire are:
  - Bare midriffs
  - Obscene or profane language and lewd pictures on clothing
  - Symbols of alcoholic beverages, tobacco, drugs or drug paraphernalia on clothing
  - Visible undergarments when wearer is bending, sitting or walking
  - Pajamas worn outside of the residence hall
  - Shower or bedroom shoes worn outside of the residence hall
  - Pant legs dragging or touching the floor
  - Slits that are higher than 3 inches above the knee in skirts and dresses
  - Skirts and shorts that are higher than 3 inches above the knees
  - Hair rollers, pin curls, shower caps and "Doo Rags" outside of the residence hall
  
2. Bottom wear must be the appropriate size for the wearer, with no sagging or bagging and must be secure around the waist as not to reveal undergarments and tattoos.
  
3. Professional attire must be worn when on a community service assignment or attending all ACES sessions. Professional attire means young ladies wear a dress, skirt suit (minis not allowed) or pant suit or skirt with a comfortable fitting blouse.
  - Many ACES events require dresses and skirts only, especially convocations
  - Blouses must not be too tight or low cut and pants must fit properly
  - Jeans, capris and khaki pants are not appropriate professional attire
  - Earrings of extraordinary large size are distracting and not recommended for professional attire
  - Visible tattoos and facial piercings may cause you to lose an opportunity
  
4. You are never fully dressed without smile.

Society has relaxed its standards, and at times away from BC it may be appropriate to wear some of the items mentioned as "inappropriate" above. However, it should always be remembered that we at BC are a particular people, set apart and striving for excellence. We believe we must be models for those who will come after us. Therefore, we should make every effort to be our best at all times. Practice makes perfect, so we wear professional attire for ACES and other special events. We bathe/shower daily, comb our hair, fix our faces and select appropriate clothing because we may meet someone who can make a change in our lives or just because we want to feel good ("A little powder and a little paint can make us feel like what we ain't"). We must not forget that visitors come on campus daily, males and females, young and old, who will take away an impression of us by what they see us doing. Ours is a fantastic institution and we do not want anyone to get a mistaken view of us.

Here are some specific tips on how to present yourself as a Belle.

### **Formal Convocations:**

- White dresses or skirt suits only; should fit properly
- Tops should not show cleavage, nor should the buttons pull open
- Skirts should not be above the knee; nor should they be so tight

- as to limit your ability to maneuver on stairs
- The fabric should not be what might be worn for “after 5” events
  - No back out, halter top, spaghetti strap, or see through tops should be worn without a jacket or cover-up
  - No pants are permissible at formal convocations
  - Black pumps with flesh tone hosiery
  - Heels should not be so high as to limit your ability to maneuver safely on stairs
  - Closed toe pumps are required when wearing academic regalia.
  - Evening shoe wear is generally not appropriate for college daytime events.
  - Satchels/large handbags are not appropriate for formal convocations and usually should not be used at evening events. A small evening bag and a small clutch should be staples in your wardrobe to hold your keys, telephone, tissue/handkerchief, make-up and “mad money”.

**Presentations or Official Activities:**

Black dresses, appropriate skirts or pant suits are required when presenting at ACES. To serve as a Marshal the appropriate attire is a black skirt suit or dress, and occasionally at other special events. This is usually for daytime wear; there are other occasions when black evening attire may be needed.

**Academic Cultural Enrichment Series (ACES):**

Professional attire is required for all ACES programs that are held in the Merner Chapel. On a few occasions, ACES events are held elsewhere (Gym, Coffee House, Pfeiffer Hall, etc.) and the required attire may be different to suit the event.

Professional attire is as stated previously, but with no color restraints. There should be no athletic gear, jeans, capris, khaki pants, flip/flops, Timberland boots, shorts and T-shirts, baseball caps, and sleepwear worn in the Chapel.

If dresses and skirts are not preferred, slacks with shirts or blouses are permitted (except for convocations) with dress shoes (pumps, loafers, oxfords, flats, or sandals).

**Off campus visits and official events:**

Professional attire is always appropriate for luncheons, interviews and community meetings. Students often have interviews for scholarships, internships and jobs, invitations to dinner at the home of the President, and participation in town meetings, luncheons, dinners and conferences.

Some official uniforms or designated attire may be required by approved organizations.

**Title IX**  
**Investigation Procedure**

**In the event of a Title IX Investigation, the following will occur:**

Once a student has reported to the **Title IX Coordinator** of an event that violates **Bennett's Code of Conduct**, the student will then be referred to as the complainant. The complainant will then provide a formal written statement of the allegations. After receiving the formal written statement, if the Title IX Coordinator decides a breach of the Student Code of Conduct has been made, formal action will be taken. Next, the complainant and the respondent (the accused party) will both receive a letter from the Title IX Coordinator notifying them of the following allegations, their rights as students, and information for their conduct hearing. Students must receive this letter **five (5) class days** prior to their conduct hearing. The hearing will take place no sooner than **five (5) class days** after receiving the letter from the Title IX Coordinator. Students have the right to inform the Title IX coordinator **two (2) class days** prior to the hearing of which right the student will be utilizing.

The **Hearing Body** will be selected by the Title IX Coordinator, and will include at least **three (3)** members of faculty and staff. The members of the Hearing Body receive monthly training on components of Title IX and proper judicial procedures. The Hearing Body will follow the guidelines of formal hearings outlined in the Student Code of Conduct.

After the conclusion of the formal hearing, the complainant and respondent must be notified within **seven (7) class days** of the Hearing Body's final decision. **A formal decision letter will be sent to both parties simultaneously.** If the respondent is formally charged by the Hearing Body, sanctions issued will follow those described in the Student Code of Conduct. An appeal must be issued to the Title IX Coordinator within **five (5) class days** of receiving the final outcome letter. The entire adjudication process will be complete within **sixty (60) days**, but could last longer depending on the cooperation and availability of witnesses.



