

Community Standards

Community Standards provide a framework designed to support the Maryville College Covenant by encouraging each person in the community to:

- Focus first on academics.
- Respect the rights of others, be they property, privacy, opinion or expression.
- Act with integrity in all interactions - academic, personal and beyond.

Within this context each student assumes the responsibility to:

- Abide by College, local, state, and federal laws and regulations
- Assist in creating and maintaining a learning atmosphere that affirms the rights, dignity and worth of all persons
- Conduct themselves in a moral and ethical manner regarding academic pursuits, co-curricular activities, social customs, and personal behavior.

The following Community Standards are of prime importance in building a campus community characterized by trust, respect and security. Violations may subject the student to judicial sanctions (see “Judicial Sanctions” in this chapter) and/or separation from the College. Situations may arise not specifically covered by College regulations, but which adversely affect the welfare of the College community. In these instances the Vice President and Dean of Students or his/her designee will evaluate the situation and take appropriate action.

Off-campus student behavior that adversely affects the College community may also lead to disciplinary action. Students in violation of local, state, or federal laws may also be subject to disciplinary action by the College.

I. ALCOHOL POLICY

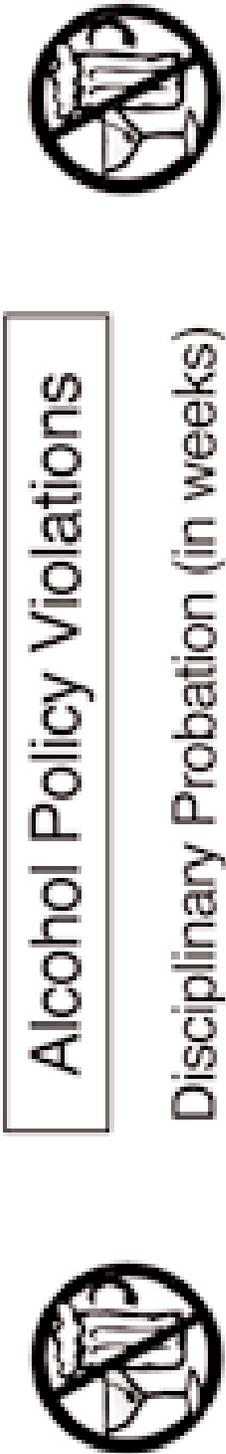
The use of alcohol on the Maryville College campus is seen as a privilege that is earned both through age and a demonstration of appropriate behavior. The consumption of alcohol is permitted only in limited situations as described below. The College is committed to combating underage drinking through strong policy enforcement and our alcohol education program. Although we understand alcohol will be a part of college life, we reject the notion that alcohol should be a major part of the college experience.

In accordance with the laws of the State of Tennessee, Maryville College prohibits the purchase, possession, or consumption of alcoholic beverages (beer, wine, liquor) by or for persons under twenty-one (21) years of age. Further, the Federal Government requires that as a recipient of Federal monies,

Maryville College prohibit the illegal use of controlled substances on the campus. To comply with the terms of this Federal certification as well as statutory law, students are hereby notified of the Maryville College policy concerning alcohol.

- A. Maryville College does not permit the use, possession, advertisement, or sale of alcoholic beverages on the campus in its daily operations and routine programming. The use and/or possession of alcoholic beverages is prohibited on College property, including academic and athletic facilities, maintenance and storage areas, athletic fields, College Woods, conference facilities, and campus grounds. Any individual found in violation of this policy will be required to immediately relinquish the alcohol in his/her possession to a College staff member who will dispose of the beverage. Students failing to do so may be subject to immediate suspension.
- B. At certain traditional College events, expressly approved and supervised by the College (Robert Burns Dinner, Wine & Cheese, 100 Days Reception, Alumni Barbecue, Graduation Celebration), persons of legal age (21 years and older) may consume alcoholic beverages. Such events must be approved by the Vice President and Dean of Students and conducted within established guidelines. Further information is available in the Student Development Office.
- C. Maryville College permits the possession and consumption of alcoholic beverages in residential living units located within Beeson Village, Court St. Apartments, Carnegie and Pearsons Halls in which all residents of that living unit are of legal drinking age (21 years or older). A “living unit” may be a room, suite or apartment to which a student is assigned. Bedrooms within a suite or apartment are not considered separate living units, but part of the larger living unit. Guests who are also of legal drinking age are permitted to possess and consume alcohol in these designated living units.
 1. While consumption of alcohol is permitted under Section C above, no consumption of alcohol may take place when individuals under 21 years of age are present.
 2. Residents discovered to have students or guests under the legal drinking age (under 21 years of age) consuming alcoholic beverages in their living unit, or present while alcohol is being consumed, will be in violation of this Alcohol Policy and subject to appropriate disciplinary action. All persons present in a living unit where this occurs will be subject to disciplinary action. Residents of the living unit where a violation occurs may be subject to disciplinary action whether or not they are present at the time of the violation.
 3. Alcohol is not permitted in public hallways, lounges, stairwells, basements, lobbies, or any other public areas of the residence halls, except when closed alcohol containers are being transported to living units where alcohol possession and consumption are permitted.

Progressive Sanctioning



Alcohol Policy Violations

Disciplinary Probation (in weeks)

8 12 16 24



Non-consumption
1st Offense
• \$50 fine
• 8 weeks probation



Simple Consumption
1st Offense
• \$50 fine
• 12 weeks probation
• 1 minimum Alcohol Decision-making Session



Alcohol + Disorderly Conduct
1st Offense
• 16 weeks Probation
• Simple Consumption Sanctions
• Guardian Notification
• 10 hours of Campus Service

Any Alcohol Violation
2nd Offense
• 16 weeks Probation
• \$100 fine
• Guardian Notification
• 2-4 Alcohol Decision-making Sessions



Any Alcohol Violation
3rd Offense
• Suspension —
May be held in Abeyance if the student agrees to complete the following sanctions:
• 24 weeks Probation
• Alcohol assessment outside of the College (at the expense of the student)
• Follow any recommendations made (at the expense of the student)
• Additional Sanctions as appropriate

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4. Kegs, pony-kegs and alcohol containers larger than one gallon are not permitted on campus.
5. Students of legal age who provide underage students with alcohol are subject to state and local law as well as College disciplinary action.
6. When consuming alcohol, residents and their guests must obey the following guidelines concerning room capacity:
 - a. Six-person apartments may have no more than 18 persons at one time, including the residents of the apartment.
 - b. Five-person suites may have no more than 15 persons present at one time, including the residents of the suite.
 - c. Four or three-person suites or apartments may have no more than 12 persons present at one time, including the residents of the suite or apartment.
 - d. Single or double rooms may have no more than 6 persons present at one time, including the residents of the room.
- D. In Copeland, Davis, Gamble, and Lloyd Halls, possession or consumption of alcohol is not permitted under any circumstances. Alcohol containers of any type, whether full or empty, are also not allowed in Copeland, Davis, Gamble, or Lloyd Halls.
- E. Students who choose to drink assume total responsibility for their actions. Consumption of alcohol will not be accepted as an excuse for irresponsible or irrational behavior such as excessive noise, vandalism, violence, physical or verbal abuse, or public drunkenness. Conduct disruptive of any College sponsored activity or athletic event or acts that violate the rights of others, tend to breach the peace, or which are considered indecent or obscene, will be subject to local laws as well as College disciplinary action. Any violation of the alcohol policy or other Community Standards while under the influence of alcohol will result in disciplinary action.
- F. Public intoxication is a violation of this policy.
- G. Any student in need of assistance as a result of having too much to drink is encouraged to contact the Staff Member On Duty (SMOD) at 865.981.8002 and assistance will be arranged. Students who voluntarily seek help via this means will not be subject to disciplinary action. The counseling staff will assist students in obtaining appropriate assessment and treatment in a confidential manner.
- H. Alcohol Policy Violations Procedures and Sanctions - Any violation of the College's alcohol policy will minimally subject the student to the disciplinary procedures and sanctions listed on page 34 of this handbook. In all violations, additional disciplinary actions and/or referral to local law enforcement officials may be imposed depending upon the circumstances surrounding the violation. Any questions regarding the campus alcohol policy should be directed to the Assistant Dean of Students for Student Development at 865.981.8215.

Parental Notification

The Maryville College Alcohol policy calls for parental notification after the second offense or the first offense under certain circumstances. The College also notifies parents on the first drug offense. The College is allowed to contact parents concerning drug and alcohol violations, for students under 21 years of age, based on the 1998 Congressional revisions to the Family Educational Rights and Privacy Act. Letters are normally sent to the student's home address and may be followed up with a phone call. It is our hope that the student will notify their parents of the violation before notification is received from the College. We hope that parent's knowledge of this type of violation will help deter students from future violation of these policies. Any questions concerning parental notification should be directed to the Assistant Dean of Students for Student Development at 865.981.8215.

II. DRUG ABUSE POLICY

The possession, use, distribution, manufacture, or sale of drugs or paraphernalia associated with drug use is strictly prohibited. Any student who voluntarily seeks help through the Director of Counseling for drug or alcohol abuse will not be subject to College disciplinary action for disclosure of such concerns. The Director of Counseling will assist the student in obtaining appropriate assessment and treatment in a confidential manner. The term "drugs," as used here, includes any narcotic drug, central nervous system stimulant, hallucinogenic drug, anabolic steroid, barbiturate, marijuana or prescription drug as defined by state law. The term "paraphernalia" refers to implements employed in the use of drugs. Prescription drugs, taken under the care and by direction of a licensed physician, are permitted. Students taking prescription drugs should inform a member of the Student Development Staff of any side effects that could affect normal functioning or prohibit the student from participation in College activities.

Procedures and Sanctions

All cases involving violations of the drug policy are ultimately heard by the Vice President and Dean of Students or his/her designee. Any violation of the drug policy will subject the student to the following minimum disciplinary procedures and sanctions and possible prosecution under state law.

1. The student will be required to immediately relinquish the drug and/or paraphernalia to a College staff member who will turn it over to the Assistant Dean of Students for Student Development.
2. The first offense may subject the student to suspension from the College and prosecution under the law. If the student admits guilt and has no prior record of violations, the sanction of suspension may be held in abeyance and the student will be subject to additional sanctions determined by the Vice President and Dean of Students. These sanctions may include a Drug Assessment, Drug Testing, and/or parental notification.

Drug Testing

When drug testing is part of a student's judicial sanctions, the student will be notified on the day of the test. The student will be sent to a local drug testing facility and asked to submit to the screening. Refusal to submit to the screening or release the results to Maryville College will be interpreted as a positive test. Any student who tests positive may be suspended from Maryville College.

Repeated violations of the drug abuse policy will result in:

1. Temporary suspension if the student opts to enter an approved rehabilitation program. He/she may be eligible for readmittance only after successful completion of a rehabilitation program approved by the Director of Counseling. The student's status will stand as "suspension" until the completion of such program.
2. Suspension for one year if the student does not opt to enter an approved rehabilitation program. If during that one year the student chooses to enter and successfully complete an approved program, he/she will be eligible to apply for readmission. If the student does not complete such a program within the year of suspension, the suspension will change to irrevocable dismissal from the College.

Alcohol and Drug Education

The Director of Counseling and the Wellness Coordinator provide a program of alcohol and drug education as a resource to students, staff and faculty. Topics include the disease concept of alcoholism, effects of alcohol and other drugs, drinking and driving, responsible decision making regarding the use of addictive drugs and treatment options. For more information, call 865.981.8035.

The Alcohol and Drug Education program is not a treatment program, but rather emphasizes education, intervention and support. Anyone concerned about their own use or use by a family member or friend may contact the Director of Counseling, the Assistant Dean of Students, or the Director of the Student Health Center. Student confidentiality will be strictly observed.

III. DISHONESTY

All forms of dishonesty are a direct violation of the College Covenant and will carry severe sanctions. Violations of this policy could subject the student to separation from the College, but will minimally subject the student to ten (10) hours of community service and disciplinary probation. Dishonesty as defined by the College includes:

- Cheating
- Lying
- Knowingly furnishing false information
- Forgery
- Alteration or unauthorized use of College documents or instruments
- Identification with intent to defraud
- Violations of the law

- Alteration of institutional records either written or electronic
- Unauthorized use of College forms or letterhead

Academic dishonesty is a serious matter and is addressed in the **Academic Matters** chapter of this handbook.

IV. FALSIFICATION OF COLLEGE RECORDS

Each student is expected to provide truthful information on all College forms or records. Altering, counterfeiting, forging, or causing to be altered, any written or electronic record, form or document used by the College is strictly prohibited and subjects the individual to separation from the College.

V. FAILURE TO COMPLY WITH THE DIRECTIVE OF A COLLEGE OFFICIAL

Failure to comply with the directive of a College official or those appointed or elected to act on behalf of the College is prohibited and may result in separation from the College. This includes failure to give identification to College officials, providing false information, failure to comply with judicial sanctions, and failure to comply with an oral or written directive.

VI. FINANCIAL OBLIGATIONS

Individual students and organizations are expected to meet financial obligations with local merchants, banks, rental agencies, organizations, the College and individuals in the local community as well as on campus. All financial obligations to the College should be handled promptly. Students who have outstanding balances owed to the College at the time of registration will not be permitted to register for class or campus housing. All recognized student organizations are required to maintain financial accounts in the Business Office.

VII. SOCIAL FRATERNITIES AND SORORITIES

Maryville College believes that an inclusive, open community is fundamental to its mission as a residential institution of higher learning committed to the liberal arts tradition. It is for this reason that Maryville College has maintained a long history and tradition of not including fraternities and sororities in its campus life.

During the spring semester of 2001, students, faculty and staff participated in a series of forums discussing the appropriateness of fraternities and sororities at Maryville College. The overwhelming sense of the campus community was that organizations of this variety are inconsistent with the fundamental values to which the community subscribes. At the conclusion of these forums, the Student Government Association (SGA) voted not to approve a fraternity at Maryville College.

In consideration of these actions and beliefs, the Maryville College Board of Directors established a policy on October 18, 2002, prohibiting all Maryville College students from joining or participating in fraternities or sororities, or similar selective

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membership social organizations, within the Maryville College campus community. Students involved in activities related to such organizations, including, but not limited to, rushing, pledging, perpetuating and initiating, are subject to disciplinary action, which may include separation from the College.

VIII. IDENTIFICATION CARDS

Personal College Identification (ID) Cards are issued to all students and identify you as a Maryville College student. Your ID card serves as your access to your Residence Hall building. The ID card must be used for entry to the College Dining Hall, checking out library materials, use of physical education facilities and equipment, and admission to various campus programs and athletic events. Any student found falsifying an ID card or using an ID improperly will be subject to disciplinary action. In the event that an identification card is lost, the student must procure a replacement card in the Residence Life office. IDs are made Monday through Friday, 9am - 1pm. The replacement charge is \$10. Student IDs must be carried by students at all times. Failure to do so may lead to disciplinary action.

IX. DISORDERLY CONDUCT

Conduct disruptive of College activities or any disorderly conduct on College-owned, controlled, or operated property or at College-sponsored functions on or off campus is prohibited. Disorderly conduct may include public drunkenness, acts which violate the rights of others, behavior which tends to breach the peace, or actions deemed obscene or offensive. Disrespecting a college official is also a violation of this policy.

X. PHYSICAL ABUSE/ASSAULT OR ENDANGERING THE HEALTH AND SAFETY OF SELF OR OTHERS

Physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct that threatens or endangers the health or safety of any person is a violation of this policy.

XI. HARASSMENT

The College strives to maintain an environment free from discrimination and harassment of individuals based on race, color, gender, age, ethnic or national origin, religion, disability, sexual orientation or political views. Members of the College community are expected to conduct themselves in a manner that shows respect for all persons and to refrain from behavior that creates an offensive, demeaning, intimidating, or hostile environment. Maryville College condemns and will not tolerate any form of discrimination, intolerance, gender harassment, abuse, or racism as manifested by institutional or individual attitudes, policies, or behaviors. Physical, sexual, verbal, or written harassment or abuse of any person is a serious offense and could result in dismissal from the College. Further, telephone abuse/harassment is a federal offense and is prosecutable under the law. It may result in a \$2,000 fine and/or one year in jail. Any person who has been subjected to offensive behavior

should, as a first step, discuss the incident with the person who has been offensive and ask that the behavior cease. If such a discussion is not possible or if the request is ignored, then the person should seek to resolve the problem through consultation with the Assistant Dean of Students for Student Development, the Vice President and Dean of Students, or the College Equal Opportunity Officer. Any of these persons or their designee may attempt mediation. If the issue is not resolved satisfactorily, the formal judicial process may be initiated. Complaints against students are handled as stated in the student judicial process (see "Judicial Processes and Student Rights" in this chapter). Complaints against faculty or staff are handled under policies for those groups. Students wishing to file a complaint should see the Associate Dean (for faculty) or the Director of Human Resources (for staff) for information on procedures.

XII. HAZING

All forms of hazing are prohibited. Hazing is defined as a willful act, by a student or group of students, directed against any other individual which inflicts discomfort, pain, harm, intimidation, or humiliation. The offending individual, as well as the officers and members of organizations violating hazing regulations, are subject to disciplinary action and suspension from further operation. The specific individual(s) involved will be subject to disciplinary action which could result in separation from the College.

XIII. THEFT/VANDALISM OR UNAUTHORIZED USE OF PROPERTY

Theft of property belonging to another person or the College is prohibited. The destruction or unauthorized use of property (including telephone access codes) or equipment belonging to the College or any person is prohibited. This includes all campus building, grounds, campus woods, ropes course, and athletic facilities. This also includes damage due to disorderly conduct or drunkenness. Such theft, vandalism or unauthorized use will result in restitution for repair and/or replacement as well as disciplinary action. Practical jokes that lead to property damage, personal injury, or the invasion of individual privacy, are prohibited. Student involved in the misconduct will be subject to disciplinary action and possible dismissal.

XIV. COMPUTER MISUSE POLICY

Theft or other abuse of College computer resources, including but not limited to:

- a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- b. Unauthorized addition, deletion or transfer of a file.
- c. Unauthorized use of another individual's identification and password.
- d. Use of computing facilities to interfere with the work of another student, faculty or staff member.
- e. Use of computing facilities to send obscene or abusive messages, or other unsolicited bulk messages commonly referred to as "spam."

- f. Use of computing facilities to interfere with normal operation of the College computer network.
- g. Illegally downloading copyrighted music and/or video.

XV. ILLEGAL ENTRY/UNAUTHORIZED USE OF KEYS

Forced or unauthorized entry by a student into an office, residence hall, residence hall room, or other College facility is prohibited. Duplication or illegal possession or use of College keys is prohibited and will result in confiscation of such keys and disciplinary action. Authorization is required for possession of any College key. Tampering with, forced entry into, or damage to the Campus Post Office or any mail box is a federal offense and is cause for disciplinary action and/or arrest by the U.S. Postal Department. Entering any campus construction area or building under construction is strictly prohibited.

XVI. TOBACCO USE

Smoking and the use of smokeless tobacco are permitted on the campus grounds. All campus buildings are tobacco free zones. “No Smoking” signs should be observed in other areas. Spitting or disposal of tobacco products on furniture, walls, floors, windows, sidewalks, grounds, etc., is prohibited. Irresponsible use of tobacco products will result in disciplinary action.

XVII. WEAPONS

The use and/or possession of any lethal or potentially harmful weapon, explosive, or hunting device (e.g., firearms, BB guns, pellet guns, sling shots, knives, fireworks, explosives, airsoft or paintball guns, bows and arrows, ammunition, etc.) on College property is expressly prohibited. Weapons brought to campus for hunting purposes must be stored in the Campus Security Office. For more information on storing weapons, contact the Director of Safety, Security and Grounds at 865.981.8112.

SEXUAL ASSAULT POLICY

Statement of Commitment

Maryville College is committed to fostering a learning, working, and living environment, which is physically and emotionally safe, and that promotes personal and professional growth, recognizing the worth and dignity of each member of the College community. This is accomplished through education and the establishment of procedures, which ensure the protection of individual rights. To this end, Maryville College will not tolerate any acts such as rape or other nonconsensual sexual activity. If the College is to fulfill its commitment to making Maryville College an institution free from sexual assault, every individual must be part of the effort. The College is committed to taking all reasonable steps to prevent sexual assault and to discipline those who do violate this policy.

Sexual Assault - Definition

The definition for this policy shall include, but not be limited to, the following:

Sexual assault occurs if a male or female is forced to have sexual intercourse or if he or she is unable to consent. Sexual intercourse may involve vaginal, anal, or oral penetration by a penis, other body part, or other object. The perpetrator may be known or unknown to the victim. The force necessary can be any amount or the threat of physical force, which places the victim in fear of injury, or in fear of his/her life. The perpetrator need not use a weapon, nor must he/she beat the victim to make her/him fearful of injury or for his/her life. Other violations of this policy include any unwanted sexual touching committed with/ without physical force, coercion, threat, or intimidation.

In this policy, nonconsensual sexual activity shall include, but not be limited to, situations where the victim is unable to consent because he/she is physically helpless, or is mentally incapacitated due to drug or alcohol consumption, or is unconscious or sleeping, regardless of whether or not the consumption was with the victim’s consent. The standard used to define being “incapacitated” by ingestion of alcohol or drugs is that of a “reasonable person.” That is, would a “reasonable person” observe that an individual’s behavior indicates he/she may be mentally incapacitated? Whether or not this standard is met will be determined on a case by case basis, following an in depth factual investigation by the Assistant Dean.

Maryville College’s Policy

Maryville College expressly prohibits anyone associated with the institution from sexually assaulting any other member of the College community. The College expects each individual to take personal responsibility for helping to prevent sexual assault. When taking corrective action, the College will consider the welfare of the alleged victim and the entire community as well as the rights of the accused. In the case of very serious incidents, the Vice President and Dean of Students may summarily suspend a student, pending a formal hearing if it is believed that such an action will protect the safety and welfare of the complainant, the College community, or the accused individual. Sexual assault of students on the campus or otherwise in a college workplace by a person not associated with the College is also subject to appropriate action by College officials. Sexual grievance advisors will also be available to assist students who are participating in any College sanctioned off-campus activity.

State and Federal laws exist to protect individuals from many kinds of abuses. It is the policy of this institution to foster obedience to these laws. Maryville College affirms that community members should not act in any way that causes harm or discomfort to other individuals or to the community. The College has a special concern to guard against abusive behavior. Students who believe that they have been sexually assaulted have a right to seek immediate action to correct a situation. The College has established several alternative procedures that are described in the next section of this manual. This policy is not intended to serve as a substitute for criminal

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or civil action; the victim may file criminal charges in accordance with Tennessee State Law through the State's Attorney of Blount County, and may retain private counsel of choice for these purposes.

Disciplinary Procedures for Sexual Assault

A person who believes that he/she has been sexually assaulted has several options. These range from talking to the individual involved to filing a formal grievance. A decision about which action to take will depend upon circumstances, the nature of the incident, and the wishes and needs of the aggrieved person. Since victims of sexual assault may experience confusion, embarrassment, distress, and even feelings of guilt (perpetrators often try to make the victim feel responsible), the College has established procedures that provide support and counseling, while protecting the rights of the parties involved.

A complainant must understand that an intentionally false accusation of sexual assault is a serious violation of Maryville College policy and will be handled by the Sexual Grievance Committee but may be referred to an alternate decision making body or College official. A false accusation may also expose the individual to civil liability.

THERE ARE TWO STEPS IN THE COLLEGE'S GRIEVANCE PROCEDURES:

Step 1 - Seek the assistance of a sexual grievance advisor.

If you believe you have been sexually assaulted, contact a sexual grievance advisor immediately. Advisors are trained in rules of confidentiality, and each party involved in a case will be informed about the need to maintain confidentiality. The advisor will explain the available options and will help you understand your rights as a complainant. Under extraordinary circumstances, and with your permission, an advisor may contact the alleged perpetrator's sexual grievance advisor, and, if appropriate, the alleged perpetrator or any other person to obtain additional information. If necessary, an advisor will also assist you in the preparation of a formal statement of complaint. Seeking the assistance of a sexual grievance advisor in no way precludes other options described in this document, nor does selection of one option restrict you from pursuing other options.

A person accused of sexual assault should also seek the assistance of a sexual grievance advisor. The advisor will describe the grievance process, will inform the accused of his/her rights, and will assist the accused person in preparing a written response to a formal complaint, should a formal complaint be made. The advisor may confer with the complainant, the complainant's advisor, or other persons as necessary to obtain information about the case. Again, confidentiality is essential to the operation of the procedure.

To contact a sexual grievance advisor, first select the advisor whom you would like to see and then telephone that person for

an appointment or stop by his/her office. The names, campus telephone numbers, and office locations are posted on bulletin boards throughout campus and are available from the Student Development staff.

It is important to remember that you do not have to go through the grievance process alone. Sexual grievance advisors are available to assist you.

Step 2 - Obtain redress through the options specified below.

A sexual grievance advisor will advise you about the available options and will assist you with the process. The option you select will depend upon the circumstances of the case. Pursuing one option does not preclude seeking redress through other options.

The options are as follows:

Option 1 – Seek informal resolution through an appropriate College official.

In consultation with your sexual grievance advisor, you can seek an informal resolution to the incident. Working with the Vice President and Dean of Students, the informal resolution would be a binding negotiated settlement outside of the judicial system.

Option 2 - File a formal complaint.

If you prefer not to seek informal resolution, or if you believe the conditions of an informal resolution have not been adhered to, you may file a formal complaint. You must first contact a sexual grievance advisor who will explain the grievance procedures and your rights as a complainant. The advisor can assist you in drafting the complaint and will be available to assist you throughout the formal proceedings. If at any point during the formal process both parties meet an acceptable resolution, the process may end at that point.

The Sexual Grievance Committee is comprised of a chair, three faculty members, three staff members, and three students. Each case will be heard and investigated by a subcommittee of the Sexual Grievance Committee, which will be referred to as the Hearing Panel. The Hearing Panel will consist of two faculty, two staff members, and one student.

College officials shall take precautions to ensure that a complainant and individuals testifying on behalf of a complainant are not subjected to any form of retaliation. In cases of alleged retaliation, a College official or any person at whom the retaliatory action is directed may file a complaint against the individual(s) who participated in the retaliation. Such cases fall under the jurisdiction of the College's Harassment Policy. Violations of confidentiality can constitute a form of retaliation.

Sexual Grievance Advisors

Sexual grievance advisors provide consultation for both complainants and accused. The advisors are faculty and staff members who

1) have demonstrated that they are able to maintain confidentiality,

- 2) are willing to become knowledgeable in the laws, policies, and procedures concerning sexual assault,
- 3) have some experience in counseling and advising,
- 4) are widely respected in the College community, and
- 5) represent differences in personal style, gender, and background. The President appoints up to six advisors with the advice and recommendations of the Director of Counseling and the President's cabinet.

Maryville College Commitment to Sexual Assault Education

Maryville College recognizes that prevention through education is the best tool for eliminating sexual assault. The College offers an ongoing program of education including information for new students; continuing dialogue in various campus forums to raise awareness about sexual assault and dissemination of information about the College's sexual assault policy and procedures.

Campus Sex Crimes Prevention Act

Federal law requires that we provide information to the campus community concerning registered sex offenders in the state of Tennessee. The Tennessee Sex Offender Registry is located at http://www.ticic.state.tn.us/SEX_ofndr/search_short.asp.

JUDICIAL PROCESSES AND STUDENT RIGHTS

Search and Seizure

The College affirms and defends the student's right of privacy yet must balance those rights with the student's responsibility to operate within established policy and with consideration for the rights of others. College personnel may enter a resident student's room in the event of an emergency or while conducting routine room inspections, maintenance inspections, and fire drills. College personnel may inspect student vehicles in the course of enforcing institutional traffic and parking regulations as well as in the event of an emergency. If reasonable cause exists to indicate a violation of College policy, College personnel may search the on-campus room, vehicle, or personal property of an individual with the expressed permission of the Vice President and Dean of Students or his/her designee. Rumor, speculation, or information provided anonymously is not considered reasonable cause for a search. Reasonable cause is defined as a ground of action based on the good judgment of the College staff ascertained on the presence of tangible or physical evidence (sight, smell, sound) of the violation. In the event of a non-search oriented visit, where a violation is found to be occurring, the person(s) found in violation may be subject to disciplinary action.

Preventive Action

The College, through its designated officers, may suspend or restrict the campus activity of any individual whose behavior,

emotional state, or physical health constitutes a disruptive force on campus, poses a threat to the individual's well-being, or threatens the well-being of the College community or any of its members. Preventive suspension may be invoked temporarily by the Vice President and Dean of Students or his/her designee for persons for whom disciplinary hearings, appeals, or criminal charges are pending. Any student suspended under such circumstances may be considered for readmission only with the expressed permission of the Vice President and Dean of Students.

The Vice President and Dean of Students can impose suspension or campus restriction when there is reason to believe that preventive action is necessary to maintain College activities or to protect the property and safety of individuals on the campus.

Suspension may require that the individual leave campus immediately. A decision of the Vice President to suspend a student may be appealed to the President of the College.

Students serving a preventative suspension may be required to submit to a psychological or medical evaluation, at their own expense, before they are allowed to return to campus. Information from these evaluations will be used to determine whether the student is safe to return to campus.

Maryville College will not exclude persons with contagious illnesses from access to College facilities or services unless a medically based judgment by the consulting physician and the College Medical Advisory Team establishes that exclusion or restriction is necessary to the welfare of the individual or other member of the College community. Any individual made aware of a contagious illness on campus is to consult with the Assistant Dean of Students for Student Development at 981.8215 regarding College procedures and proper health care. Confidentiality will be strictly observed.

Behavioral Contracts

College officials may develop behavioral contracts with individuals when such action is deemed necessary to guide and support student success at the College. Such contracts may be developed with the consultation of the Chief Justice of the Student Government, Assistant Dean of Students for Student Development, and the Vice President and Dean of Students. Failure to fulfill the terms of a behavioral contract may subject the student to suspension from the College.

Student Complaints

Complaints regarding students are handled as stated in the following judicial procedures. Complaints regarding faculty and staff are handled in accordance with policies and procedures as stated in the Faculty and Staff handbooks. Copies of these handbooks are available in the Human Resources Office.

Rights of the Accused Student

In formal judicial hearings, any student may be assisted by an advocate from the College community. This advocate may confer with the accused but has no speaking rights in the hearing. Judicial hearings are not formal legal proceedings; therefore, legal counsel is not permitted to attend. Decisions of the Judicial Board are based on the evidence presented at the hearings and official College documents and correspondence contained in the student's record. The accused student may testify personally or decline to do so, present witnesses, and examine all evidence. Judicial Board decisions will be made based on a preponderance of the evidence. Accused student(s) may challenge for bias any member of the Judicial Board. The Judicial Board rules on such challenges.

All judicial hearings are closed unless all the complainants and accused students request otherwise in writing to the Chief Justice 24-hours prior to the hearing. All persons present, excluding Judicial Board members and the advisor, are excused from the hearing during the deliberation. Any student who is charged with a judicial infraction can choose to meet with the Assistant Dean of Students for Student Development. During this meeting, the student will be given the option to accept responsibility for their actions and waive the Formal Judicial Process. The student and Assistant Dean will then come to an agreement on appropriate sanctions.

Judicial Process

1. An incident report is filed with the Assistant Dean of Students for Student Development by a Residence Assistant, Security, other College official, or campus community member.
2. The Assistant Dean of Students for Student Development reviews the incident, determines violations, and meets with the accused student.
3. The student has an opportunity to accept responsibility, agree to sanctions set forth by the Assistant Dean of Students for Student Development and sign a waiver. (If the student signs the waiver form, the case is closed and recorded. If the student does not sign the waiver form, the case is referred to a judicial board.) If the student does not meet with the Assistant Dean for Student Development, the student's case will be decided by the Assistant Dean.
4. If the case is referred to the Judicial Board, J-Board members are notified and a hearing is scheduled. The student can present witnesses and evidence on their behalf at the hearing. The accused student is notified of the Judicial Board decision. If the student accepts the decision of Judicial Board, the case is closed and recorded. If the student does not accept the Judicial Board decision, the student may appeal the decision based on a procedural error or a problem with the evidence presented. Appeals must take place within two (2) business days of the J-Board decision. If the case is appealed, it is sent to the Appeals Board.
5. The chairman of the Appeals Board is notified and a meeting is scheduled. The accused student is notified of the Appeals Board decision.
6. An appeal may be made to the College President only in cases of suspension or expulsion.

STUDENT JUDICIAL BOARD

The Student Judicial Board hears cases referred to it by the Assistant Dean of Students for Student Development. The Judicial Board determines responsibility or no responsibility regarding a violation of College policies and imposes appropriate sanctions if an individual is found responsible for a violation. In cases resulting in suspension, expulsion, or campus restriction, the Judicial Board recommends the sanction to the Vice President and Dean of Students who takes final action. If the Student Judicial Board is unable to convene within two weeks of student notification for any reason, the case may be heard by the Vice President and Dean of Students or his/her designee in consultation with the Judicial Board.

In its hearings, the Judicial Board consistently follows a protocol for proceedings established by the Judicial Board. A unanimous decision is required for any offense resulting in expulsion. A three-quarters majority vote is required for the sanction of suspension. Hearings may be open to the campus if both the complainant(s) and the accused student(s) agree. The Chief Justice will generate a complete record of all proceedings. Student disciplinary records are maintained by the Student Development Office as stated in the Student Records Policy (see **Student Records**, "Location of Student Records" in chapter VII of this handbook).

Membership

The Student Judicial Board is composed of sixteen (16) members. A quorum requires the presence of seven (7) voting members. If a quorum is not present, the accused student and the complainant can agree to continue with the hearing or the hearing will be rescheduled. The Chief Justice serves as the administrator of the Judicial Board hearing. This individual does not have a vote, except to break a tie, but rather serves an administrative function to convene the Judicial Board, assure that hearing procedures are followed consistently, generate proper records and facilitate the work of the Judicial Board. The Chief Justice is selected in the spring of each year by the Student Government Association.

The Vice President and Dean of the College selects a member of the faculty to serve, along with the Assistant Dean of Students for Student Development, as Advisor to the Judicial Board. This person is a non-voting member who attends all hearings and advises the Judicial Board on legal and procedural matters. If the advisor is unable to attend, the Chief Justice may select an alternate from among the faculty and staff. A member of the Student Development Staff attends hearings involving potential suspension or expulsion to advise the Judicial Board as needed.

CAMPUS APPEALS BOARD

The Campus Appeals Board hears all appeals beyond the Student Judicial Board. Reasons for appeal may include but are not limited to procedural matters, suspected bias, inappropriate or excessive sanctions, and new evidence. Students, faculty or staff may seek review of Student Judicial Board decisions through the Campus Appeals Board by submitting a written appeal to the Assistant Dean of Students for Student Development within two (2) business days of the Judicial Board decision. The appeals process involves a review of the written appeal statement and all evidence by the Appeals Board members. It does not include a formal hearing. After the review, the Appeals Board may:

- Uphold the decision of the Judicial Board, or
- Remand the case back to the Judicial Board with an explanation and recommendations for further hearing.

A student may make a final appeal to the College President only in cases involving suspension or expulsion from the College. Such an appeal must be presented to the President in writing within 24-hours of the Appeals Board decision.

Membership

The Appeals Board is comprised of two resident students, one commuting student and one faculty member appointed by the Vice President and Dean of the College with the approval of the College President. The Chairperson is selected by the Appeals Board from among the student membership at its first meeting. The Assistant Dean of Students for Student Development convenes the first meeting of the Board to provide orientation and facilitate the selection of the Chairperson. Subsequent meetings are convened by the Chairperson. If the Appeals Board is unable to convene for any reason, the case is heard by the President of the College or his/her designee.

Judicial Sanctions

Campus judicial bodies use their judgment in responding to violations appropriately and effectively. In the assignment of any sanction or combination of sanctions, the level/degree will be determined by

- (1) nature of offense,
- (2) severity of violation, and
- (3) behavioral history of the offender.

Failure to comply fully with sanctions as prescribed will result in a charge of contempt and will subject the student to expulsion.

Judicial sanctions include but are not limited to the following:

- **Restitution** - Repayment to cover the cost of damaged or misappropriated property
- **Service Hours** - Assignment of campus service projects or other appropriate tasks
- **Education Hours** - Appropriate participation in counseling sessions, alcohol/drug education classes, or other similar programs

- **Campus Restriction** - Limitation of activities or privileges on campus for a designated period of time
- **Confiscation** - Removal of offensive or prohibited property
- **Fines** - Specified financial penalty for violation of regulations
- **Censure** - Written reprimand recorded in the student's judicial file
- **Parental Notification** - Written or telephone communication with student's parent
- **Eviction** - Relocation to another residence or removal from on-campus residence without refund of room and board
- **Disciplinary Probation** - Establishes a given period of time in which a violator is asked to prove responsibility to himself/herself and to the College community through exemplary behavior
- **Suspension** - Temporary dismissal from the College with the right to apply for readmission to the Vice President and Dean of Students. Decisions regarding readmission following academic suspension are made by the Academic Standing Committee. Special conditions affecting eligibility for readmission or conditions to be in effect upon readmission may be designated. The duration of the suspension may not exceed two years. There is no refund of tuition, room, board or fees.
- **Expulsion** - Permanent dismissal from the College. There is no refund of tuition, room, board, or fees.

Special Conditions for Suspended or Expelled Students

- The student must leave the campus within 24-hours after the decision is rendered unless an extension is granted by the Vice President and Dean of Students.
- If the case is under appeal, the Vice President and Dean of Students may delay the suspension or expulsion until after the appeal process has been completed.
- Suspended or expelled students may not visit the campus unless prior written permission has been granted by the Vice President and Dean of Students.
- If a student is evicted, suspended or expelled for preventive or disciplinary cause, there will be no refund of room, board, tuition, or fees.
- If a student is suspended or expelled, a notation of "W" is placed on the transcript for each class. No grade is recorded; however, each course remains listed on the transcript. Suspension and expulsion are the only sanctions of record which result in any notation in the student's permanent file.
- The general deposit is refunded when a student withdraws permanently from the College unless the student has outstanding debts (such as library fines, hall damage, outstanding athletic equipment, etc.) or fails to complete the official withdrawal procedure.